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In re Application of:	:	
ROBERTS, Alison, Laura, Udal, et al.	:	
U.S. Application No.: 12/158,964	:	DECISION ON REQUEST UNDER
PCT No.: PCT/GB2006/004873	:	37 CFR 1.497(d)
International Filing Date: 21 December 2006	:	
Priority Date: 23 December 2005	:	
Attorney's Docket No.: 115845-002USA	:	
For: AIR TRAFFIC CONTROL	:	

This decision is issued in response to the "Petition To Amend Inventorship" filed 23 June 2008 requesting the addition of Alison Laura Udal ROBERTS and Stephen James PEMBER and the removal of Brian JANES as inventors herein, treated under 37 CFR 1.497(d). Applicants have paid the required $130 processing fee.

BACKGROUND

On 21 December 2006, applicants filed international application PCT/GB2006/004873. The application claimed a priority date of 23 December 2005, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 23 June 2008. The published international application identified one applicant/inventor for the U.S.: Brian JANES.

On 23 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, an executed declaration and the "Petition To Amend Inventorship" considered herein under 37 CFR 1.497(d). The submission requests the addition of Alison Laura Udal ROBERTS and Stephen James PEMBER and the removal of Brian JANES as inventors herein.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not**

> **be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

The declaration filed by applicants on 23 June 2008 names an inventive entity different than that set forth in the international application. Specifically, Alison Laura Udal ROBERTS and Stephen James PEMBER have been added as inventors, and Brian JANES has been deleted. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statements of non-deceptive intent from the persons to be added and removed as inventors (Alison Laura Udal ROBERTS, Stephen James PEMBER, and Brian JANES), as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. In addition, applicants have submitted the consent of the assignee to the requested change in inventorship, and such consent has been provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore also satisfied.

Based on the above, applicants have satisfied the requirements of a grantable request to correct the inventors of record under 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**. The inventorship of record herein is corrected to include added inventors Alison Laura Udal ROBERTS and Stephen James PEMBER, and to remove Brian JANES.

Based on the correction of inventorship, the declaration filed on 23 June 2008 is acceptable in compliance with 37 CFR 1.497(a) and (b).

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 23 June 2008.

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In re Application of	:	DECISION ON
MANDERS et al	:	
Application No.: 12/159,011	:	
PCT No.: PCT/IB06/54469	:	
Int. Filing Date: 28 November 2006	:	PETITION UNDER
Priority Date: 23 December 2005	:	
Attorney's Docket No.: 003616US1	:	
For: A DEVICE FOR AND A METHOD OF	:	
PROCESSING A DATA STREAM	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 24 June 2008. The petition fee under 37 CFR 1.17(m) has been charged to Deposit Account No.: 141270.

BACKGROUND

On 28 November 2006, this international application was filed, claiming an earliest priority date of 23 December 2005. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 23 June 2008. This international application became abandoned with respect to the United States at midnight on 23 June 2008 for failure to pay the required basic national fee.

On 24 June 2008, applicants filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, the instant petition under 37 CFR 1.137(b), an executed declaration and the petition fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by having submitted the basic national filing fee, (2) the petition fee set forth in §1.17(m), and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

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

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371 date of this application is **24 June 2008**.

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In re Application of ITO, TAKESHI Application No. 12/159,077 Filed: June 24, 2008 Attorney Docket No. 2008_0558A	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 9, 2008, to make the above-identified application special.

The request and petition are **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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17 MAR 2009

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In re Application of: HAATAINEN, Niko, et al. U.S. Application No.: 12/159,114 PCT No.: PCT/FI2006/000423 International Filing Date: 27 December 2006 Priority Date: 27 December 2005 Atty's Docket No.: PAPU 2 00014 For: METHODS FOR DETECTING DEFECTS IN NAVIGATION DATA	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 28 January 2009. Applicants have paid the required petition fee.

BACKGROUND

On 27 December 2006, applicants filed international application PCT/FI2006/000423. The international application claimed a priority date of 27 December 2005, and it designated the United States. On 05 July 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., 27 June 2008.

On 25 June 2008, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 28 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 28 January 2009, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the surcharge for filing the declaration later than thirty months after the priority date, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of inventor Samuli MATTILA, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by three of the inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor, Samuli MATTILA. However, the declaration executed by Miika LAPPALAINEN contains non-initialed, non-dated alterations with respect to the inventor's mailing and residence address (see 37 CFR 1.52(c)). Any changes made in ink in the application or declaration prior to signing should be initiated and dated by the applicants prior to execution of the declaration. The Office will not consider whether non-initialed and/or non-dated 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)). Therefore, a newly executed declaration is required from inventor Miika LAPPALAINEN. Until such declaration is provided, item (3) of a grantable petition is not satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a statement from Scott A. McCollister, with accompanying exhibits. The statement refers to attached email correspondence between the non-signing inventor and a Jonas Sellergren during which the inventor provided his home mailing address. The statement also indicates that a declaration was forwarded to the inventor for signature at the address he provided, and that the inventor did not return the signed declaration. However, the petition does not indicate that a

copy of the complete application (specification, claims, and drawings), with a request for signature, has been forwarded to the last known address of the inventor, as required by the MPEP (the statement provided here refers only to the declaration being sent to the inventor). Moreover, it does not appear that Mr. McCollister is the person who forwarded the declaration for signature (a copy of the cover letter enclosed with such mailing has not been provided), and it therefore is not clear whether Mr. McCollister has the firsthand knowledge required to confirm such mailing and the enclosures included. In addition, a firsthand statement has not been provided from Jonas Sellergen, the person involved in the email correspondence with the non-signing inventor.

Applicants must provide adequate supplemental materials that satisfy the requirements of the MPEP, including a firsthand statement (with documentary support, and appropriate English translations) confirming that a request for signature, accompanied by a copy of the complete application, has been delivered to the non-signing inventor at his last known address, and that the inventor has refused to provide the requested signature in response to such request. Until such materials are provided, item (4) is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy items (3) and (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

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1 OCT 2009

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In re Application of: HAATAINEN, Niko, et al.	:	
U.S. Application No.: 12/159,114	:	
PCT No.: PCT/FI2006/000423	:	DECISION ON RENEWED
International Filing Date: 27 December 2006	:	PETITION UNDER
Priority Date: 27 December 2005	:	37 CFR 1.47(a)
Atty's Docket No.: PAPU 2 00014	:	
For: METHODS FOR DETECTING	:	
DEFECTS IN NAVIGATION DATA	:	

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.47(a)" filed 17 September 2009. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 17 March 2009. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy the requirements of a grantable petition. Specifically, applicants had not provided an acceptable showing that non-signing inventor Samuli MATTILA had refused to execute the application or could not be located after diligent effort, and the declaration filed by co-inventor Miika LAPPALAINEN was not acceptable because it contained undated, uninitialed hand-written alterations.

On 17 September 2009, applicants filed the "Renewed Petition Under 37 CFR 1.47(a) considered herein (with required extension fee).

DISCUSSION

The renewed petition a declaration executed by co-inventor Samuli MATTILA, the previously non-signing inventor who was the subject of the petition under 37 CFR 1.47(a). Accordingly, the petition under 37 CFR 1.47(a) is appropriately dismissed as moot.

It is noted however that, like the declaration executed by co-inventor Miika LAPPALAINEN, the declaration executed by co-inventor Samuli MATTILA is not acceptable as filed because it contains undated, uninitialed hand-written alterations. Applicant asserts that the alterations do not require re-executed declarations because the declarations were signed and dated by the inventors on the same page as the alterations, in the signature block adjacent to such alterations. However, 37 CFR 1.52(c)(1) states the following:

> Any internlineation, erasure, cancellation or other alteration of the application papers filed must be made before the signing of any accompanying oath or declaration pursuant to §1.63 referring to those application and should be dated and initialed or signed by applicant on the same sheet of paper."

Thus, 37 CFR 1.52(c) requires that the alteration itself be "dated and initialed or signed by applicant on the same sheet of paper." The regulation does not, as applicants assert, indicate that a hand-written alteration is acceptable as long as the applicant has signed and dated the document on a pre-printed signature line that happens to be located near the alterations. It is noted that information regarding a particular inventor is often located in the signature block for the inventor and, if applicants' interpretation of the regulation were accepted, any post-execution alteration of such information would be acceptable simply because the inventor had previously signed the document in the same signature block.

The declarations filed herein by inventors Miika LAPPALAINEN and Samuli MATTILA include handwritten alterations of the inventors' addresses, and the specific alterations were not dated, initialed, or signed by the applicants. Regardless of the fact that the applicant's dated signature is near the alteration on the document, a new declaration is required. See MPEP section 605.04(a): "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 require a new oath or declaration if the alterations are not initialed and dated."

CONCLUSION

Based on the submission of a declaration executed by previously non-signing inventor Samuli MATTILA, applicants' petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

However, the declarations executed by Samuli MATTILA and Miika LAPPALAINEN are not acceptable as filed based on the inclusion of undated, uninitialed hand-written alterations in such declarations.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that acceptable declarations in compliance with 37 CFR 1.497 are required from inventors' Samuli MATTILA and Miika LAPPALAINEN.

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In re Application of:	:	
LARSEN, Peter, Mose, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/159,154	:	(37 CFR 1.47(a))
PCT No.: PCT/DK2006/000740	:	
International Filing Date: 22 December 2006	:	
Priority Date: 30 December 2005	:	
Atty's Docket No.: 15755.0019USWO	:	
For: BIOREACTOR FOR CELL AND	:	
TISSUE CULTURE	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 20 January 2009. Applicants have paid the required $200 petition fee.

BACKGROUND

On 22 December 2006, applicants filed international application PCT/DK2006/000740. The international application claimed a priority date of 30 December 2005, and it designated the United States. On 12 July 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 June 2008.

On 25 June 2008, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 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 oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and additional claims fees were required.

On 20 January 2009, applicants filed a response to the Notification Of Missing Requirements (with required three-month extension fee). The response included payment of the required surcharge, an assertion that all required claims fees have previously been submitted,[1] a partially executed declaration and the "Petition Under 37 CFR 1.47(a)" considered herein. The

[1] Upon review, it appears that applicants are correct that the preliminary amendment filed 25 June 2008 effectively removed the multiple dependency upon which the additional claims fees required by the Notification Of Missing Requirements were based.

petition seeks acceptance of the declaration without the signature of inventor Peter Mose LARSON, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have submitted payment of the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Applicants have filed a declaration that contains an unsigned signature block for the non-signing inventor and is executed by the other inventor of record. This declaration can be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, the petition refers to a request for signature, accompanied by a copy of the complete application, which was purportedly forwarded to the non-signing inventor by Henrik Egede Orsnes using a courier service. The petition states that the inventor refused delivery of the signature request. The petition includes copies of the necessary supporting documents; however, the petition does not include a statement from Henrik Egede Orsnes, the person who forwarded the signature request to the inventor and who can therefore provide the required firsthand confirmation of such mailing and the documents included therewith.

Applicants must supplement the present petition with a firsthand statement from Henrik Egede Orsnes confirming the specifics of the signature request forwarded to the non-signing inventor. Until such additional materials are provided, item (4) of a grantable petition is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

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In re Application of:	:	
LARSEN, Peter, Mose, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/159,154	:	PETITION
PCT No.: PCT/DK2006/000740	:	(37 CFR 1.47(a))
International Filing Date: 22 December 2006	:	
Priority Date: 30 December 2005	:	
Atty's Docket No.: 15755.0019USWO	:	
For: BIOREACTOR FOR CELL AND	:	
TISSUE CULTURE	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 22 September 2009. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 03 September 2009. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable showing that the non-signing inventor refuses to execute the application or cannot be located after diligent effort.

On 22 September 2009, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition filed by applicants on 22 September 2009 includes a statement from Henrik Egede Orsnes, the person who forwarded the signature request to the inventor. The statement provides firsthand confirmation that a request for signature accompanied by a copy of the complete application was forwarded to the non-signing inventor by courier service and that the inventor refused to accept delivery of the package. This submission, in combination with the materials filed with the original petition, provides an acceptable showing that the non-signing inventor refuses to execute the application. Applicants have therefore satisfied the final outstanding element of a grantable petition under 37 CFR 1.47(a). Accordingly, the petition is appropriately granted.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing co-inventor Peter Mose LARSEN.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the address of the non-signing inventor, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 20 January 2009.

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In re Application of: LARSEN, Peter, Mose, et al.
U.S. Application No.: 12/159,154
PCT No.: PCT/DK2006/000740
International Filing Date: 22 December 2006
Priority Date: 30 December 2005
Atty's Docket No.: 15755.0019USWO
For: BIOREACTOR FOR CELL AND TISSUE CULTURE

Dear Mr. LARSEN:

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

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

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

Counsel Of Record:
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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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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Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re Application of	:	
ORDONEZ et al.	:	
U.S. Application No. 12/159,202	:	
PCT No.: PCT/MX04/00021	:	
Int. Filing Date: 29 March 2004	:	
Priority Date: 12 March 2004	:	DECISION ON PETITION
Attorney Docket No.: PORF8.001APC	:	
For: JUG COMPRISING A WATER INTAKE DEVICE	:	

The petition to revive under 37 CFR 1.137(b) filed 25 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of: SON, Young, Sook, et al. U.S. Application No.: 12/159,204 PCT No.: PCT/KR2006/004479 International Filing Date: 31 October 2006 Priority Date: 31 October 2005 Atty Docket No.: 1599-0372PUS1 For: ARTIFICIAL CARTILAGE CONTAINING CHONDROCYTES OBTAINED FROM COASTAL CARTILAGE AND PREPARATION PROCESS THEREOF	DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 25 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/KR2006/004479 became abandoned with respect to the United States at midnight on 30 April 2008 based on applicants' failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that applicants' 25 June 2008 submission included an executed declaration in compliance with 37 CFR 1.497. Deposit Account No. 02-2448 will be charged the $130 surcharge required for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 25 June 2008.

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

09 FEB 2009

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	DECISION
BROCK et al.	:	
Application No.: 12/159,226	:	
PCT No.: PCT/EP2006/010271	:	
Int. Filing Date: 25 October 2006	:	
Priority Date: 30 December 2005	:	
Attorney Docket No.: 327791US0PCT	:	
For: PEPTIDES USEFUL AS CELL-	:	
PENETRATING PEPTIDES	:	

This decision is in response to applicant's petition under 37 CFR 1.497(d) filed on 01 December 2008.

BACKGROUND

On 25 October 2006, applicant filed international application PCT/EP2006/010271, which designated the United States and claimed a priority date of 30 December 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 12 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 June 2008.

On 26 June 2008, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 30 September 2008, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 01 December 2008, applicant filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a declaration of inventors, a statement from Norbert Windhab, and a consent of assignee statement.

On 29 January 2009, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE

RESPONSE (Form PCT/DO/EO/916) indicating that the declaration of inventors filed 10 June 2008 did not identify the same inventive entity as indicated in the international application.

DISCUSSION

The NOTIFICATION OF DEFECTIVE RESPONSE mailed 29 January 2009 was mailed in error and is hereby VACATED.

37 CFR 1.41(a)(4) states:

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any change effected under PCT Rule 92bis. See § 1.497(d) and (f) for filing an oath or declaration naming an inventive entity different from the inventive entity named in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any declaration filed under PCT Rule 4.17(iv) (§ 1.48(f)(1) does not apply to an international application entering the national stage under 35 U.S.C. 371).

A Form PCT/IB/306 indicating the recording of a change under PCT Rule 92bis exists for the addition of Norbert Windhab. (The Form can be found using The PCT Online File Inspection portion of the WIPO website (http://www.wipo.int/pctdb/en/search-adv.jsp).) Therefore, there is no discrepancy between the inventorship listed in the international application and on the declaration of inventors filed 01 December 2008. Accordingly, the petition under 37 CFR 1.497(d) is MOOT.

Declaration of Inventors

The declaration of inventors filed 01 December 2008 is not in compliance with 37 CFR 1.69(b); specifically applicants have not used one of the pre-approved foreign language forms nor have applicants furnished the requisite statement attesting to the accuracy of the translation.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** as **MOOT**.

The NOTIFICATION OF DEFECTIVE RESPONSE mailed 29 January 2009 is VACATED for the reasons set forth above.

Applicants are required to file either a pre-approved foreign language declaration in compliance with 37 CFR 1.497(a)-(b) or the requisite statement under 37 CFR 1.69(b) that the translation is accurate within TWO (2) MONTHS from the date of mailing of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

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

/Daniel Stemmer/

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

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UNITED STATES DEPARTMENT OF COMMERCE
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Levenfeld Pearlstein, LLC (ILLINOIS TOOL WORKS)
2 North LaSalle Street
Suite 1300
Chicago, IL 60602

Mail Date: 04/26/2010

Applicant	: Dimitrios Takidis	: DECISION ON REQUEST FOR
Patent Number	: 7681496	: RECALCULATION of PATENT
Issue Date	: 03/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/159,245	: OF WYETH
Filed	: 06/26/2008	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

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LAW OFFICE OF BARRY N. YOUNG
200 PAGE MILL ROAD
SUITE 102
PALO ALTO, CA 94306

MAILED

JAN 14 2010

OFFICE OF PETITIONS

In re Application of
Yaolong Tan
Application No. 12/159,293
Filed: June 26, 2008
Attorney Docket No. **LXM-004US**

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 November 24, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with the above-identified has been revoked by the applicants of the patent application on December 1, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH MA 01581

11 MAY 2009

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

In re Application of	:	
BAVIERA, et al.	:	
PCT No.: PCT/ES06/70200	:	DECISION ON PETITION
Application No.: 12/159,307	:	
Int. Filing Date: 22 December 2006	:	UNDER 37 CFR 1.47(a)
Priority Date: 26 December 2005	:	
Atty. Docket No.: 20840/0209917-US0	:	
For: STAND-ALONE MINI GAMMA CAMERA	:	
INCLUDING A LOCALISATION SYSTEM FOR	:	
INTRASURGICAL USE	:	

This decision is in response to applicant's "Petition Under 37 CFR 1.47 (a)" filed 27 April 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 22 December 2006, applicant filed international application PCT/ES06/70200 which claimed priority to an earlier application filed 26 December 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 July 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 26 June 2008.

On 26 June 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Application Data Sheet and an English translation of the international application as filed.

On 25 September 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 27 April 2009, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of inventor Jesus Modia Leiva accompanied by a petition for a five-month extension of time and payment of the extension of time fee.

DISCUSSION

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

Applicant has provided payment of the $200.00 petition. As to the non-signing inventor, applicant has provided evidence showing that inventor Leiva was mailed a complete set of application papers and has responded with a written refusal to cooperate by executing an oath or declaration for the present application. In addition, applicant has supplied the last known address of the non-signing inventor as well as a declaration executed by the four remaining inventors on their own behalf and on behalf of inventor Jesus Modia Leiva.

CONCLUSION

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

The application has an international filing date of 22 December 2006 under 35 U.S.C. 363, and will be given a date of **27 April 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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

1 1 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
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Mr. Jesus Modia Leiva
C/ Valencia 26, 6
46100 Burjassot
Valencia
SPAIN

In re Application of
BAVIERA, et al.
PCT No.: PCT/ES06/70200
Application No.: 12/159,307
Int. Filing Date: 22 December 2006
Priority Date: 26 December 2005
Atty. Docket No.: 20840/0209917-US0
For: STAND-ALONE MINI GAMMA CAMERA INCLUDING A LOCALISATION SYSTEM FOR INTRASURGICAL USE

Dear Mr. Leiva:

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

Derek A. Putonen
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Dianna Goldenson
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UNITED STATES OF AMERICA

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Eric J. Franklin
Venable LLP
575 Seventh Street, NW
Washington, DC 20004

In re Application of:	:	
Lars Hallstadius et al.	:	DECISION
Application No.: 12/159,329	:	
PCT Application No.: PCT/SE05/01000	:	ON PETITION
Int. Filing Date: 22 June 2005	:	
Priority Date: 06 July 2004	:	UNDER
Atty Docket No.: 43314-258271	:	
For: FUEL BOX IN A BOILING WATER		37 CFR 1.137(b)
NUCLEAR REACTOR	:	

Applicants' "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 26 June 2008 is **GRANTED**.

BACKGROUND

On 22 June 2005, applicants filed international application PCT/SE05/01000. The international application claims a priority date of 06 July 2004 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 06 January 2007. Applicants missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 06 January 2007.

On 26 June 2008, applicants filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, an authorization to charge a deposit account for the requisite national stage fee as required by 35 U.S.C. 371(c)(1), a declaration of the inventor as required by 35 U.S.C. 371(c)(4), a power of attorney, an application data sheet, an information disclosure statement, amendments to the claims of the International Application as filed and the petition fee as required by 37 CFR 1.17(m).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicants first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

The submission of the basic national fee satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). Applicants' statement in the petition that "The entire delay in filing the required reply from the due date for the required reply, until the filing of the grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date 22 June 2005 under 35 U.S.C. 363 and a date of 26 June 2008 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Richard Cole
PCT Legal Examiner
PCT Legal Administration

Patrick Lewis
Detailee
PCT Legal Administration

Telephone: (571) 272-6094

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/159,362	06/26/2008	Stephen Horton	1200515 N US	6667

35227 7590 12/17/2009
POLYONE CORPORATION
33587 WALKER ROAD
AVON LAKE, OH 44012

EXAMINER
SZEKELY, PETER A

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
12/17/2009	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.

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bc

Mailed: 12/17/09

In re application of	:	
Stephen Horton et al.	:	DECISION ON
Serial No. 12/159,362	:	PETITION
Filed: June 26, 2008	:	
For: POLYVINYL HALIDE-UNCROSSLINKED	:	
ELASTOMER ALLOY	:	

This is a decision on the PETITION UNDER 37 CFR 1.144 REQUESTING WITHDRAWAL OF THE RESTRICTION REQUIREMENT filed on October 05, 2009.

On September 14, 2009, the examiner made a restriction requirement under 35 USC 121 and 372 based upon a finding that the claims lack unity of inventions as defined in PCT Rules 13.1 and 13.2. This restriction requirement erroneously set the shortened statutory period (SSP) of response at three months. Accordingly, the examiner corrected the SSP to one month in a supplemental restriction requirement that was mailed on September 28, 2009. The applicant has not yet properly responded to this requirement. Specifically, no written election has been filed. On October 05, 2009, the present petition was filed.

DECISION

37 CRF 1.144 states that "**[a]fter a final requirement** for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement..." (emphasis added). Since the examiner's requirement for restriction has not yet been made final, this petition is herein **DISMISSED**.

If/once the requirement for restriction is made final, the applicant may petition to request withdrawal of the restriction requirement under 37 CRF 1.144. However, it should be noted that the arguments presented in the current petition would not be persuasive for the following reasons. Firstly, the actions of the ISA are not binding in US national prosecution. Secondly, contrary to the assertion in the petition, the examiner has applied the unity of invention standard, i.e. PCT Rules 13.1 and 13.2, to the pending restriction requirement. Thirdly, the process claims are not dependent claims and can be subject to restriction under unity of inventions per paragraph 10.06 of the PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES.

The petition to withdraw the restriction requirement is **DISMISSED.** The applicant is reminded that a response to the restriction requirement mailed on September 28, 2009, along with the appropriate extension of time fees, is required.

/Jacqueline M. Stone/

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

JOHN HORNICKEL
POLYONE CORPORATION
33587 WALKER ROAD
AVON LAKE OH 44012

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/159,364		Makoto NISHIZAKI	2008-1142A	6713

52349 7590 07/20/2009
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
07/20/2009	PAPER

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

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

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WENDEROTH, LIND & PONACK, L.L.P
2033 K Street, N.W., Suite 800
Washington, D.C. 20006-1021

In re Application of: M. NISHIZAKI
Application No. 12/159,364
Filed: June 26, 2008
Atty. Docket No.: 2008-1142A
For: TARGET ESTIMATION DEVICE AND TARGET ESTIMATION 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) program and the petition under 37 CFR 1.102(d), filed June 1, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the 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 undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

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

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Alexandria, VA 22313-1450
www.uspto.gov

2 2 JUN 2009

Young & Thompson
209 Madison Street
Suite 500
Alexandria, VA 22314

In re Application of BOHNSTEDT et al. Application No.: 12/159,392 PCT No.: PCT/IT2006/000829 Int. Filing Date: 29 November 2006 Priority Date: 30 December 2005 Attorney Docket No.: 2507-1129 For: MEMBRANE ELECTROLYTIC REACTORS SYSTEM WITH FOUR CHAMBERS	:	DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 01 May 2009 to accept the application without the signature of joint-inventor, Urs Surbeck.

BACKGROUND

On 29 November 2006, applicants filed international application PCT/IT2006/000829 which claimed a priority date of 30 December 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 June 2008.

On 27 June 2008, applicants filed a transmittal letter for entry into the national stage in the United States for international application PCT/IT2006/000829, which included, among other materials, the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an application data sheet.

On 03 November 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond. The notification set a two-month time limit in which to respond.

On 01 May 2009, applicants filed the present petition under 37 CFR 1.47(a) and a four-month extension of time fee.

DISCUSSION

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

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

Here, the evidence submitted to demonstrate Urs Surbeck's refusal to execute the application papers is contained in the Declaration(s) of Matteo Quadrelli and Reinhard Bartsch included in the petition, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the three inventors and including an unsigned signature box identifying the nonsigning inventor (Urs Surbeck). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Urs Surbeck under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

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

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

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

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

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22 JUN 2009

Urs Surbeck
Rasenway 4
CH-4133 Pratteln (BL)
Switzerland

In re Application of
BOHNSTEDT et al.
Application No.: 12/159,392
PCT No.: PCT/IT2006/000829
Int. Filing Date: 29 November 2006
Priority Date: 30 December 2005
Attorney Docket No.: 2507-1129
For: MEMBRANE ELECTROLYTIC REACTORS SYSTEM WITH FOUR CHAMBERS

Dear Urs Surbeck:

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

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
Young & Thompson
209 Madison Street
Suite 500
Alexandria, VA 22314

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CST

April 1, 2010

In re application of	:	DECISION ON REQUEST TO
Junichiro Kinugasa et al	:	PARTICIPATE IN PATENT
Serial No. 12/159,400	:	PROSECUTION HIGHWAY
Filed: April 24, 2009	:	PROGRAM AND
For: ULTRAHIGH-STRENGTH	:	PETITION TO MAKE SPECIAL
STEEL SHEET	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed January 29, 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

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CHOATE, HALL & STEWART/HARVARD UNIVERSITY
TWO INTERNATIONAL PLACE
BOSTON MA 02110

COPY MAILED

JUL 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Barnes et al.	:	DECISION ON PETITION
Application No. 12/159,481	:	TO WITHDRAW
Filed: December 22, 2008	:	FROM RECORD
Attorney Docket No. 2001180-0095	:	

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 **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 Brenda Herschbach Jarrell on behalf of all attorneys/agents of record who are associated with Customer Number 58374.

All attorneys/agents associated with Customer Number 58374 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

The instant application is currently awaiting examination in Technology Center AU 1639.

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

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25545
GOUDREAU GAGA DEBUC
2000 McGill College
Suite 2200
Montreal, QC H3A 3H3
Canada

In re Application of
L'ESPERANCE *et al*
U.S. Application No.: 12/159,495
PCT No.: PCT/CA2007/002223
Int. Filing Date:10 December 2007
Priority Date: 18 December 2006
Attorney Docket No.: 773/12562.13
For: SOUND VOLUME AUTOMATIC ADJUSTMENT METHOD AND SYSTEM

DECISION

This is a decision on the response filed 19 September 2008 which is treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 27 June 2008, applicants filed for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, a declaration signed by three joint inventors. The second named inventor's name is recorded as Alex Boudreau. The international publication ('WO 2008/074127") published 26 June 2008 listed her name as Alexandre Boudreau.

On 26 August 2008, a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) was mailed indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required due to the discrepancy in the name of the second inventor.

On 19 September 2008, applicants filed the instant response which included a copy of a letter sent to the International Bureau dated 07 July 2008 regarding PCT/CA2007/002223.

DISCUSSION

In the response filed 19 September 2008, applicants claim that a change of the name of the second inventor was sent to the International Bureau on 07 July 2008. Therefore, applicants believe that the declaration filed 27 June 2008 is in compliance with 37 CFR 1.497(a) and (b).

12/159,495

A review of PCT/CA2007/002223 shows that a corrected version of the international publication ('WO 2008/074127") was published 28 August 2008 which records the name of the second inventor as Alex Boudreau.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is hereby **GRANTED.**

With the change of name in the international application, the name of the second inventor listed on the declaration filed 27 June 2008 is appropriate.

The declaration is now in compliance with 37 CFR 1.497(a) and (b).

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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0 2 JUL 2008

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CALYPSO MEDICAL / PERKINS COIE, LLP
P.O. BOX 1247
SEATTLE WA 98111-1247

In re Application of: MEIER, Eric, et al. :
U.S. Application No.: 12/159,554 :
PCT No.: PCT/US2006/044767 : DECISION ON PETITION
International Filing Date: 17 November 2006 :
Priority Date: 17 November 2005 :
Atty Docket No.: 34114-8041US1 :
For: APPARATUS AND METHODS FOR USING AN ELECTROMAGNETIC TRANSPONDER IN ORTHOPEDIC PROCEDURES :

The petition for revival under 37 CFR 1.137(b) filed 27 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 17 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 basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicant has not filed an executed oath or declaration in compliance with 37 CFR 1.497.

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

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27 MAY 2009

STEPTOE & JOHNSON LLP
2121 AVENUE OF THE STARS
SUITE 2800
LOS ANGELES, CA 90067

In re Application of MCCANCE et al	:	
U.S. Application No.: 12/159,588	:	
PCT Application No.: PCT/GB2006/004945	:	
Int. Filing Date: 28 December 2006	:	
Priority Date Claimed: 30 December 2005	:	DECISION
Attorney Docket No.: 83567.0002	:	
For: METHOD AND APPARATUS FOR	:	
MANUFACTURING ORTHODONTIC	:	
APPLIANCES	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 03 October 2008.

BACKGROUND

On 28 December 2006, applicant filed international application PCT/GB2006/004945, which claimed priority of an earlier United Kingdom application filed 30 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 12 July 2007. The thirty-month period for paying the basic national fee in the United States expired on 30 June 2008.

On 27 June 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 29 September 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely pay the basic national fee.

On 03 October 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

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

With regard to item (3), applicant has provided the required statement.

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 28 December 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 October 2008.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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RUTAN & TUCKER, L.L.P.
611 ANTON BLVD.
SUITE 1400
COSTA MESA, CA 92626

MAILED

AUG 19 2009

OFFICE OF PETITIONS

Applicant: Noah Meade, et al.
Appl. No.: 12/159,589
Filing Date: December 28, 2006
Title: APPARATUS AND METHOD FOR INTRODUCING IMPLANTS
Attorney Docket: 1016760046P
Pub. No.:2008/0300607 A1
Pub. Date: December 4, 2008

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on April 15, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in the drawings wherein the original drawings were published instead of the corrected set submitted December 28, 2007 in the PCT.

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

The request for corrected publication, received on April 15, 2009, was not timely filed under 37 CFR 1.221(b).

The error noted by requestor with respect to the Article 34 amendment in the publication is <u>not</u> an Office error. Patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The publication accurately reflected the specification as filed and the "failure to include an amendment is not an Office error." See MPEP 1130(B).

---

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

Applicant did not file a substitute specification including the amendment. Applicant did not file a copy of the application in compliance with the Office electronic filing systems requirements. See 37 CFR 1.215 and MPEP 1121.

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 April 15, 2009, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" 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

2 9 JUL 2009

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IPXLAW GROUP LLP
95 South Market Street
Suite 570
San Jose CA 95113

In re Application of:	:	
Gerhard Haas	:	DECISION
Application No.: 12159601	:	
PCT Application No.: PCT/EP2006/069854	:	
Int. Filing Date: 18 December 2006	:	
Priority Date: 30 December 2005	:	
Atty Docket No.: Kollner-25US	:	
For: AUTOMATED STORE ARRANGEMENT	:	
AND METHOD FOR STORING AND	:	
DISPENSING MEDICAMENTS	:	

This is in response to applicant's "Petition under 37 CFR 1.181" filed 20 May 2009.

BACKGROUND

On 18 December 2006, applicants filed international application PCT/EP2006/069854. The international application claims a priority date of 30 December 2005 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date that is 30 June 2008.

On 27 June 2008, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, inter alia, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 August 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that a proper translation of the international application, an oath or declaration in compliance with 37 CFR 1.497, and additional fees must be filed.

On 06 October 2008, applicant filed an English translation of the international application, an oath or declaration in compliance with 37 CFR 1.497, and $520.00 in fees.

On 28 October 2008, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that $767 in additional fees were due, including $442 for additional claim fees.

On 06 November 2008, the DO/EO/US mailed a Notification of Insufficient Fees Under 35 U.S.C. 371 (Form PCT/DO/EO/923), which indicates that additional claim fees of $767 must be submitted.

On 01 April 2009, the DO/EO/US mailed a Notification of Abandonment (form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely file a response to the Notification of Missing Requirements.

On 20 May 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the papers filed 27 June 2008 reveals that although applicant paid the basic national fee for a large entity, small entity status was claimed. A summary of the $922.00 in required fees for the present application is as follows:

Basic national Fee:	$155.00
Search Fee:	$215.00
Examination Fee:	$110.00
Late Declaration:	$65.00
Late Translation:	$130.00
Extra Claims:	$52.00
Multiple dependent claims:	$195.00

Applicant submitted $310.00 on 27 June 2008 and $520.00 on 06 October 2008. Of the $830 submitted, $155.00 for the basic national fee was subsequently refunded due to applicant's small entity status. Because the submitted funds were never sufficient to cover the required fees, the application became abandoned for failure to timely respond to the Notification of Missing Requirements, Notification of Defective Response, the Notification of Insufficient Fees.

The petition states that the Notification of Insufficient Fees was never received.

MPEP 711.03(c), Section I. A., "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action" States in relevant part,

> 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 petition states that the Notification of Missing Requirements was not received. However, petition fails to state that a search of the practitioner's records, including any file jacket or the equivalent, and the application contents, indicates that the Notification of Missing Requirements was not received. Furthermore, the petition fails to include a statement describing the system used for recording an Office action received at the correspondence address of record and establishing that the docket system is sufficiently reliable. Finally, the petition does not include a master docket record for the practitioner's firm, listing all replies docketed for the due date for reply to the Notification of Insufficient Fees.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

If consideration on the merits of the petition is desired, a proper response must be filed within TWO(2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." No additional petition fee is required.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Administation

Peng Ke
Detailee
PCT Legal Administration
Telephone (571)272-6094

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1 0 MAR 2010

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IPXLAW Group LLP
95 South Market Street
Suite 570
San Jose, CA 95113

In re Application of
Gerard HAAS
Application No.: 12/159,601
PCT No.: PCT/EP2006/069854
Int. Filing Date: 18 December 2006
Priority Date: 30 December 2005
Attorney's Docket No.: KOLLNER-025US
For: AUTOMATED STORE ARRANGEMENT AND METHOD FOR STORING AND DISPENSING MEDICAMENTS

DECISION ON PETITION UNDER 37 CFR 1.181

This is in response to the renewed petition under 37 CFR 1.181, dated 3 September 2009, to Withdraw Holding of Abandonment mailed 01 April 2009.

BACKGROUND

On 18 December 2006, applicants filed international application PCT/EP2006/069854 having a priority date of 30 December 2005. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 June 2008.

On 27 June 2008, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 20 August 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that a proper translation of the international application, an oath or declaration in compliance with 37 CFR 1.497, and additional fees must be filed.

On 06 October 2008, applicant filed an English translation of the international application, an oath or declaration in compliance with 37 CFR 1.497, and $520.00 in fees.

On 28 October 2008, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated tht $767 in additional fees were due, including $442 for additional claim fees.

On 06 November 2008, the DO/EO/US mailed a Notification of Insufficient Fees Under 35 U.S.C. 371 (Form PCT/DO/EO/923), which indicates that additional claim fees of $767 must be submitted.

On 01 April 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely file a response to the Notificaiton of Missing Requirements.

On 20 May 2009, applicant filed a petition to withdraw holding of abandonment under 37 CFR 1.181.

On 29 July 2009, the Office of PCT Legal Administration mailed a dismissal of the petition to withdraw holding of abandonment on the grounds that there was no statement from the practitioner that a search of the practitioner's records, including any file jacket or the equivalent, and the application contents, indicates that the Notification of Missing Requirements was not received, and furthermore there was no statement describing the system used for recording an Office action received at the correspondence address of record with the USPTO establishing that the docket system is reliable, and furthermore, there was no copy of the master docket report showing all replies docketed for a date two months from the mail date of the non-received Office action.

On 03 September 2009, the Applicant filed a renewed petition.

DISCUSSION

MPEP 711.03(c)(I)(A) Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action requires:

The showing required to establish non-receipt 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 non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt 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.

In the papers filed on 03 September 2009, the Applicant has provided a statement that the Flex Track Case Tracking System is used in their office and is believed to be reliable. The Applicant provided their master docket for the relevant response period. The Applicant states that they never received the Notifications of Defective Response and Insufficient Fees.

CONCLUSION

The Petition to Withdraw Holding of Abandonment under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 18 December 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 October 2008.

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

/Cathy K. Worley/
Cathy K. Worley
Detailee, PCT Legal
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-6095

Bryan Lin
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration5

10 JUL 2008

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Alexandria, VA 22313-1450
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30008
GUDRUN E. HUCKETT
Schuberstr, 15A
Wuppertal 42289 DE
Germany

In re Application of HUSE *et al* U.S. Application No.: 12/159,635 PCT No.: PCT/EP2006/003467 Int. Filing Date: 13 April 2006 Priority Date: 15 April 2005 Docket No.: 450P07WOUS For: SUBSTANCES AND PHARMACEUTICAL COMPOSITIONS FOR THE INHIBITION OF GLYOXALASES AND THEIR USE AS ANTI-FUNGAL AGENTS	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 30 June 2008 is hereby **GRANTED** as follows:

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

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

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

2 1 MAY 2009

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JUNEAU PARTNERS
P.O. BOX 2516
ALEXANDRIA VA 22301

In re Application of	:	
LEE, Yun kyu	:	
Application No.: 12/159,690	:	
PCT No.: PCT/KR2007/002450	:	
Int. Filing Date: 21 May 2007	:	DECISION
Priority Date: 09 June 2006	:	
Attorney's Docket No.: PrimeIP-Lee-700049	:	
For: CONTROL DEVICE FOR	:	
CONTROLLING SECURE FAX	:	
MACHINE AND METHOD THEREOF	:	

This decision is in response to applicant's response to the Notification of Defective Response, filed in the United States Patent and Trademark Office on 23 April 2006.

BACKGROUND

On 23 September 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required. The Notification set the time period for response as two (2) months from the mail date of the Notification or 32 months from the priority date of the application, whichever was later.

On 11 February 2009, applicant filed a declaration of the inventor that did not list the inventor's citizenship.

On 03 April 2009, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective for failure to list the inventor's citizenship.

On 23 April 2009, applicants resubmitted 11 February 2009 declaration with the citizenship of the inventor, his residence and mailing address and the date filled in.

DISCUSSION

The MPEP states "it is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution by the applicant." MPEP 605.04(a).

Applicant resubmitted the same declaration of the inventor, having altered it after the execution by the applicant. A *new* oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

CONCLUSION

For the above reasons, the declaration does not comply with 37 CFR 1.497(a)-(b).

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required. The period for reply is the time remaining in the response period of the Notification of Missing Requirements mailed 23 September 2008, including extensions of time. No additional time period is provided by this Notification. Failure to timely reply will result in the abandonment of this application.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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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.
12/159,693		Takashi TAJIMA	2008-1153A	1773

52349 7590 08/20/2008
WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
08/20/2008	PAPER

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

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

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FROM DIRECTORS OFFICE

AUG 19 2008

TECHNOLOGY CENTER 3600

Wenderoth, Lind & Ponack LLP
2033 K. Street, NW
Suite 800
Washington, DC 20006

In re application of
Takashi Tajima
Application No. 12/159,693
Filed: June 30, 2008
For: DESTINATION PREDICTION DEVICE AND DESTINATION PREDICTION METHOD

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 June 30, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed June 30, 2008 with the petition, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 8/19/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/159,699	08/29/2008	Hideki Oohata	Q92503	1814

23373 7590 01/08/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

ART UNIT	PAPER NUMBER
2831	

MAIL DATE	DELIVERY MODE
01/08/2009	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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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	**: DECISION ON REQUEST TO**
Hideki OOHATA, et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/159,699	**: PROSECUTION HIGHWAY**
Filed: 06/30/2008	**: PROGRAM AND PETITION**
Attorney Docket No.: Q92503	**: TO MAKE SPECIAL UNDER**
	: 37 CFR 1.102(d)

For: CAPACITOR AND METHOD FOR MANUFACTURING SAME

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 5 November 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 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.

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

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2 4 APR 2009

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

In re Application of HUANG et al	:	
U.S. Application No.: 12/159,733	:	
PCT Application No.: PCT/SE2006/001521	:	DECISION
International Filing Date: 29 December 2006	:	
Priority Date Claimed: 30 December 2005	:	
Attorney Docket No.: P21424-US1		
For: POSITIONING OPTICAL FIBERS		

This is in response to the petition under 37 CFR 1.182 filed 16 April 2009.

BACKGROUND

On 29 December 2006, applicant filed international application PCT/SE2006/001521, which claimed priority of an earlier Sweden application filed 30 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 12 July 2007. The thirty-month period for paying the basic national fee in the United States expired on 30 June 2008.

On 30 June 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission referenced international application number "PCT/SE2006/001519".

On 18 November 2008, this Office mailed a communication which identified a discrepancy with respect to the international application number.

On 16 April 2009, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that applicant inadvertently placed the incorrect international application number on the transmittal letter (Form PTO-1390) and in the EFS-Web data entry screen. A review of the papers filed 29 December 2006 reveals that certain documents, e.g. a

copy of the international search report, listed the correct international application number PCT/SE2006/001521. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 29 December 2006 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 December 2008.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

2 4 SEP 2008

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NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of: STEENEKEN ET AL.	:	DECISION
U.S. Application No.: 12/159,769	:	
PCT Application No.: PCT/IB06/53185	:	ON
Int. Filing Date: 08 September 2006	:	
Priority Date: 30 September 2005	:	PETITION
Atty Docket No.: 00 6560 US1	:	
For: OSCILLATOR BASED ON PIEZORESISTIVE RESONATORS	:	UNDER
	:	37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 30 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant has submitted the requisite petition fee, the required reply in the form of the basic national fee under 35 U.S.C. 371, and the required statement of unintentional delay.

Therefore, the request to revive the application, abandoned under 35 U.S.C. 371(d), is granted as to the national stage in the United States of America.

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

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

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

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14 AUG 2008

Michael Blaine Brooks, P.C.
P.O. Box 1630
Simi Valley, CA 93062-1630

In re Application of	:	
YOUN et al.	:	
Application No.: 12/159,822	:	DECISION ON PETITION
PCT No.: PCT/KR05/04268	:	
Int. Filing Date: 13 December 2005	:	
Priority Date: 16 November 2005	:	
Attorney Docket No.: SMARTP0802	:	
For: PORTABLE APPARATUS OF EMERGENCY POWER SUPPLY AND BATTERY CHARGER		

The petition to revive under 37 CFR 1.137(b) filed 01 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

3 AUG 2009

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of	:	
YOSHINAGA, Seiichi, et al.	:	
Application No.: 12/159,837	:	DECISION ON
PCT No.: PCT/JP2007/069123	:	
Int. Filing Date: 21 September 2007	:	PETITION
Priority Date: 22 September 2006	:	
Attorney Docket No.: NGB-43837	:	UNDER 37 CFR 1.182
For: ELECTRONIC COMPONENT	:	
MOUNTING STRUCTURE	:	

This is a decision on applicant's petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 04 June 2009.

BACKGROUND

On 01 July 2008, applicants filed two sets of national stage papers in the United States Designated/Elected Office (DO/EO/US). The first was identified as the national phase entry of PCT/JP2007/069123, but fees were not paid. This filing was assigned application no. 12/159,837. In the second submission, the electronic information entered upon filing indicated this application was a national phase of PCT/JP2007/068123, while the papers listed international application no. PCT/JP2007/069123. The second entry attempt was assigned application no. 12/159,840.

On 01 June 2009, applicant filed this petition under 37 CFR 1.182 to correct the national phase discrepancy in 12/159,840.

DISCUSSION

Applicants have explained that the 12/159,840 paperwork was intended as a national stage entry of PCT/JP2007/069123. The indications will be corrected in the file. However, applicants also filed another national phase attempt, assigned application no. 12/159,837. The end result of a single international application is a single national phase filing. As such, the national phase filings for PCT/JP2007/069123 will be consolidated into application no. 12/159,837. All future communication with respect to the national phase entry of PCT/JP2007/069123 should use 12/159,837.

CONCLUSION

For the reasons listed above, the Petition Under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of the Patent Application Processing for continued processing consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

2 JUN 2009

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20 Church Street
22nd Floor
Hartford CT 06103

In re Application of FELTEN, Frank, et al. Application No.: 12/159,880 PCT No.: PCT/EP2006/070259 Int. Filing Date: 28 December 2006 Priority Date: 02 January 2006 Docket No.: ETF-0193 For: FIRE EXTINGUISHER WITH A CONTAINER HOLDING A FIRE EXTINGUISHING SUBSTANCE AND CORRESPONDING COMPRESSED-GAS CYLINDER	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 23 March 2009.

BACKGROUND

On 23 September 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for filing the search fee, examination fee or oath or declaration after 30 months were required.

On 23 March 2009, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors.

DISCUSSION

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

Item (1) and (4) have been met. The $200 petition fee will be charged to deposit account no. 06-1130, as authorized. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. Applicants must establish that the inventor has refused to sign the oath or declaration after presentation with a complete copy of the application papers.

The letters do not indicate that complete copies of the application were forwarded. Further, the statement of facts is not by the person who signed the letters. As such, it is unclear that Mr. Antoine has first-hand knowledge of the facts recited therein. A refusal to sign the declaration in the absence of presentation with a complete copy of the application papers is not normally sufficient. Documentary evidence of presentation with a complete copy of the application papers should be furnished. As the non-signing inventor is apparently represented by counsel, service on counsel is appropriate.

Item (4) has not been satisfied. The address listed as the last known address is different from the one appearing on the letters sent to the non-signing inventor. While the differences appear typographical, they are significant.

CONCLUSION

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

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

3 1 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	:	
FELTEN, Frank, et al.	:	
Application No.: 12/159,880	:	
PCT No.: PCT/EP2006/070259	:	DECISION
Int. Filing Date: 28 December 2006	:	
Priority Date: 02 January 2006	:	ON PETITION UNDER
Docket No.: ETF-0193	:	
For: FIRE EXTINGUISHER WITH A CONTAINER HOLDING A FIRE EXTINGUISHING SUBSTANCE AND CORRESPONDING COMPRESSED-GAS CYLINDER	:	37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 02 November 2009.

BACKGROUND

On 02 June 2009, the Office mailed Decision On Petition Under 37 CFR 1.47(a).

On 02 November 2009, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors.

DISCUSSION

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

Item (1) and (4) were previously satisfied. The $200 petition fee has been paid. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47. Item (4) has now been satisfied. The last known address of inventor Karl Bermes is Auf'm rothen Hügel 21; D-54666, Irrel; Germany.

Item (2) has been satisfied. Applicants sent a complete copy of the application papers to the non-signing inventor and the inventor has not returned a signed declaration.

CONCLUSION

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

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of 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 **23 March 2009**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

3 1 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
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Karl Bermes
Auf'm rothen Hügel 21
D-54666, Irrel
Germany

In re Application of
FELTEN, Frank, et al.
Application No.: 12/159,880
PCT No.: PCT/EP2006/070259
Int. Filing Date: 28 December 2006
Priority Date: 02 January 2006
Docket No.: ETF-0193
For: FIRE EXTINGUISHER WITH A CONTAINER HOLDING A FIRE EXTINGUISHING SUBSTANCE AND CORRESPONDING COMPRESSED-GAS CYLINDER

Dear Mr. Bermes:

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

CANTOR COLBURN, LLP
20 Church Street
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Hartford CT 06103

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.
12/159,894	07/02/2008	Satoshi Kominami	P34762	3896

52123 7590 03/10/2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER
OWENS, DOUGLAS W

ART UNIT	PAPER NUMBER
2821	

NOTIFICATION DATE	DELIVERY MODE
03/10/2010	ELECTRONIC

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

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

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

gbpatent@gbpatent.com
pto@gbpatent.com

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of
KOMINAMI et al.
Application No.: 12/159,894
Filed: 02 June 2008
Attorney Docket No.: P34762
For: DIELECTRIC BARRIER DISCHARGE LAMP LIGHTING APPARATUS

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

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

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

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

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision once the formalities review has been completed.

Lee W. Young
TQAS
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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MAIL

APR 22 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of	:	
CHANG, KAP-SEOK et al	:	DECISION ON REQUEST TO
Application No. 12/159,946	:	PARTICIPATE IN PATENT
Filed: July 02, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **YOM-0515**	:	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 09, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

15 AUG 2008

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Rissman Jobse Hendricks & Oliverio, LLP
100 Cambridge Street
Suite 2101
Boston, MA 02114

In re Application of	:	
LIEN et al.	:	
Application No.: 12/159,952	:	DECISION ON PETITION
PCT No.: PCT/CA05/01969	:	
Int. Filing Date: 23 December 2005	:	
Priority Date: None	:	
Attorney Docket No.: M006-7011US0	:	
For: COMPOSITIONS FORMULATED FOR SOLVENT-REGULATED DRUG RELEASE		

The petition to revive under 37 CFR 1.137(b) filed 02 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

18 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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Rutan & Tucker, LLP.
611 Anton Blvd
Suite 1400
Costa Mesa, CA 92626

In re Application of NISHTALA, Nash Application No.: 12/160,032 PCT No.: PCT/US2007/060156 Int. Filing Date: 05 January 2007 Priority Date: 06 January 2006 Attorney Docket No.: 1016740021P For: DRAINS FOR USE IN MEDICAL APPLICATIONS AND METHODS OF USING THE SAME	: : : : : : : :	DECISION

This decision is in response to applicant's "Response to Notification Defective Response" filed in the United States Patent and Trademark Office (PTO) on 02 June 2009, treated herein as a Petition under 37 CFR 1.182. Applicant requests to change the name of the sole inventor from NASH Nishtala to VASU Nishtala. The petition fee will be charged to Deposit Account no. 50-2191, as authorized.

BACKGROUND

On 05 January 2007, applicant filed international application PCT/US2007/060156 which claimed a priority date of 06 January 2006. The international application named NASH Nishtala as the sole applicant. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 July 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 06 July 2008.

On 03 July 2008, applicant filed a transmittal letter for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee; a copy of the international application; and an application data sheet.

On 03 October 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or

declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 03 February 2009, applicant submitted a declaration executed by VASU Nishtala

On 22 May 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because the inventor (VASU Nishtala) was not identified by the name listed on the international application.

On 02 June 2009, applicant filed "Response to Notification Defective Response" which is being treated as a petition under 37 CFR 1.182.

DISCUSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

In the present application, the discrepancy between the sole inventor's name as listed in the international application (NASH Nishtala) and in the filed declaration (VASU Nishtala) is more than a "typographical or transliteration error." Accordingly, in order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required. Such a petition requires payment of the applicable $400 petition fee and statements from the inventor and any other person(s) having firsthand knowledge regarding the error/discrepancy in the inventor's name. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.[1]

[1] It is noted that, if the inventor's name has actually changed since the filing of the international application, then MPEP section 605.04(c) requires "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."

Applicant's present petition included payment of the required petition fee. The petition also states that the name listed for the first inventor on the declaration is correct and that the name listed on the international application is "a name commonly utilized" by the inventor. However, the response does not include the required statement from the inventor confirming his correct name and indicating that the listing of NASH Nishtala on the international application occurred without deceptive intent. Accordingly, on the present record, correction of the name of the sole inventor from NASH Nishtala to VASU Nishtala is not appropriate. The declaration filed 03 February 2009 therefore remains defective for failure to properly identify the inventor of record herein.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182" and include the materials required to satisfy the remaining requirements of a grantable petition, as discussed above. No additional petition fee is required.

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

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

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

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1 3 OCT 2009

Rutan & Tucker, LLP.
611 Anton Blvd
Suite 1400
Costa Mesa, CA 92626

In re Application of
NISHTALA, Nash
Application No.: 12/160,032
PCT No.: PCT/US2007/060156
Int. Filing Date: 05 January 2007
Priority Date: 06 January 2006
Attorney Docket No.: 1016740021P
For: DRAINS FOR USE IN MEDICAL APPLICATIONS AND METHODS OF USING THE SAME

DECISION

This decision is issued in response to applicant's "Renewed Petition under 37 CFR 1.182" filed in the United States Patent and Trademark Office (PTO) on 25 September 2009. Applicant requests to change the name of the sole inventor from NASH Nishtala to VASU Nishtala. The petition fee has been submitted.

BACKGROUND

On 05 January 2007, applicant filed international application PCT/US2007/060156 which claimed a priority date of 06 January 2006. The international application named NASH Nishtala as the sole applicant/inventor. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 July 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 06 July 2008.

On 03 July 2008, applicant filed a transmittal letter for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee; a copy of the international application; and an application data sheet.

On 03 October 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 03 February 2009, applicant submitted a declaration executed by VASU Nishtala.

On 22 May 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because the inventor (VASU Nishtala) was not identified by the name listed on the international application.

On 02 June 2009, applicant filed "Response to Notification Defective Response" which was treated as a petition under 37 CFR 1.182. In a decision dated 18 September 2009, applicant's petition under 37 CFR 1.182 was dismissed without prejudice.

On 25 September 2009, applicant filed "Renewed Petition under 37 CFR 1.182."

DISCUSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

In the present application, the discrepancy between the sole inventor's name as listed in the international application (NASH Nishtala) and in the filed declaration (VASU Nishtala) is more than a "typographical or transliteration error." Accordingly, in order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required. Such a petition requires payment of the applicable $400 petition fee and statements from the inventor and any other person(s) having firsthand knowledge regarding the error/discrepancy in the inventor's name. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.

Here, applicant's previous submission included $400, satisfying the petition fee requirement. Additionally, applicant has submitted the required statement from the inventor confirming the name correction and that the error occurred without deceptive intent. The Statement/Declaration of VASU Nishtala has been reviewed and is approved.

CONCLUSION

The renewed petition under 37 CFR 1.182 to change the inventor's name from NASH Nishtala to VASU Nishtala is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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	: Carlo M. Croce	: DECISION ON REQUEST FOR
Patent Number	: 7670840	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/160,064	: OF WYETH
Filed	: 07/03/2008	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

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TECHNOLOGY CENTER 2600

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In re Application of PARK, SUNG-JUN, et al. Application No. 12/160,100 Filed: July 3, 2008 Attorney Docket No.: **2101-3521**	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 31, 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 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 Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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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.
12/160,138	07/07/2008	Ju-Ho Lee	678-3532 PCT US (P15460)	7389

7590 08/28/2009
THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

EXAMINER
LE, THANH C

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
08/28/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Tomi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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05 DEC 2008

HANLEY, FLIGHT & ZIMMERMAN, LLC
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In re Application of HASKINS et al. Application No.: 12/160,183 Filing Date: 07 July 2008 Attorney's Docket No.: 20004/316-US For: METHODS AND APPARATUS TO RECRUIT PERSONNEL	:	DECISION

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371 and applicant's petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 08 October 2008.

BACKGROUND

On 11 January 2007, applicant filed international application PCT/US07/00810, which claimed priority of an earlier U.S. application filed 11 January 2006.

On 07 July 2008, applicant filed a transmittal letter requesting filing under 37 CFR 1.53 in the United States which was accompanied by, *inter alia*, the basic national fee. The Application Data Sheet indicated that application is a continuation of PCT/US2007/000810 filed 11 January 2007.

On 23 September 2008, a Notification of Missing Requirements was mailed to applicant, indicating that pursuant to 35 U.S.C. 371, an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing after the thirty month period, was required.

On 08 October 2008, applicant filed the instant petition to convert the application from a national stage application under 35 U.S.C. 371 to a continuation application under 35 U.S.C. 111(a).

DISCUSSION

On 07 July 2008, applicant submitted U.S. national application papers including a Transmittal Letter indicating the following : "This application is a continuation of International Application No. PCT/US2007/000810 which filed on January 11, 2007".

As explained at Section 1893.03(a) of the Manual of Patent Examining Procedure (MPEP), 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). 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(a).

The Transmittal Letter, filed on 07 July 2008, identified the application filing as "a continuation of International Application No. PCT/US2007/000810." The Application Data Sheet filed on the same date, contains the same indication.

Applicant's reference to the papers as a continuation application in the transmittal letter and ADS is inconsistent with a request to file under 35 U.S.C. 371. A national application which requests treatment as a continuation of an earlier international application cannot be considered the national stage application of that international application, and under the present circumstances, is an indication of papers filed under 35 U.S.C. 111(a).

In view of the above, it is proper to treat the initial filing as a filing under 35 U.S.C. 111(a) with an filing date of 07 July 2008.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **DISMISSED without prejudice**. The petition fee of $400 and all national stage fees will be refunded.

The papers filed on 07 July 2008 will be treated as a U.S. application filed under 35 U.S.C. 111(a) with a filing date of 07 July 2008.

This application is being referred to the National Stage Processing Branch of the office of PCT Operations for removal of all Article 20 papers and processing of the above referenced application as a U.S. application filed under 35 U.S.C. 111(a).

Cynthia M. Kratz
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In re Application of HASKINS et al. Application No.: 12/160,183 Filing Date: 07 July 2008 Attorney's Docket No.: 20004/316-US For: METHODS AND APPARATUS TO RECRUIT PERSONNEL	:	DECISION

This decision is in response to applicant's "Petition under 37 CFR 1. 47(a)" filed 23 January 2009 to accept the application without the signature of inventor ERIK CAMAYD FREIXAS (CAMAYD).

BACKGROUND

On 23 January 2009, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signature of inventor Erik Camayd Freixas. Executed declarations were attached to the petition.

Subsequently, on 11 March 2009, a Notice to File Missing Parts was mailed to applicant, indicating, *inter alia*, that the oath or declaration was missing.

DISCUSSION

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

Petitioner satisfied Item (1) with the payment of the petition fee, Item (2) with the inventor's letter of refusal to sign and Item (3) with the non-signing inventor's last known address.

With regard to Item (4) above, the 37 CFR 1.47(a) applicant submitted two declarations signed by the joint inventors on their behalf and the non-signing inventor. However, one of the declaration, submitted on 23 January 2009, is not in compliance with the requirements of 37 CFR 1.497(a) and (b). The declaration, executed by Pamela Y. Skyrme and Robert Joseph Smith does not appear to be complete as this declaration does not identify inventors Paul John Lavrakas and Erik Camayd Freixas. Thus, this declaration is not properly executed and is unacceptable as filed. The requirements of 37 CFR 1.497 (a) and (b) have not been met. A new declaration, executed by inventors Skyrme and Smith and identifying all inventors, with their respective citizenship,

residency and mailing address, in compliance with 37 CFR 1.497(a) and (b), is required.

Petitioner has not satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

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

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

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In re Application of HASKINS et al. Application No.: 12/160,183 Filing Date: 07 July 2008 Attorney's Docket No.: 20004/316-US For: METHODS AND APPARATUS TO RECRUIT PERSONNEL	:	DECISION

This decision is in response to applicant's "Renewed Petition under 37 CFR 1. 47(a)" filed in the United States Patent and Trademark Office (USPTO) on 26 May 2009 to accept the application without the signature of inventor ERIK CAMAYD FREIXAS (CAMAYD).

BACKGROUND

On 23 January 2009, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signature of inventor Erik Camayd Freixas. Executed declarations were attached to the petition.

Subsequently, on 11 March 2009, a Notice to File Missing Parts was mailed to applicant, indicating, *inter alia*, that the oath or declaration was missing.

On 02 April 2009, a decision, dismissing the petition, was mailed to applicant indicating that a new declaration, executed by inventors Skyrme and Smith and identifying all inventors, with their respective citizenship, residency and mailing address, in compliance with 37 CFR 1.497(a) and (b), was required.

DISCUSSION

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

Petitioner previously satisfied Items (1), (2) and (3).

With regard to Item (4) above, the 37 CFR 1.47(a) applicant submitted declarations signed by the joint inventors on their behalf and the non-signing inventor. The declaration filed on 26 May 2009 is executed by Robert Joseph Smith and is acceptable.

However, a closer review of the declaration filed on 23 January 2009 reveals that the

given name of one applicant/inventor as listed on the published international application is "Donna Lynn Wilkinson." The declaration is altered and signed by "Donna Lynn Bluestone". The executed declaration is not in compliance with 37 CFR 1.497(a) and (b) as the declaration does not name the inventive entity identified in the published international application. Thus, the declaration does not satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

It does not appear that applicant filed a request under PCT Rule 92*bis* to change the name of the inventor as no Notification of the Recording of a Change (Form PCT/IB/306) has been submitted which indicates that the name change was accepted. Should applicant wish to change the second inventor's name to Donna Lynn Bluestone, a petition under 37 CFR 1.182 is required. See MPEP §605.04(c).

The declaration executed by Donna Lynn Bluestone is not acceptable as the inventor's name has been altered. The USPTO does not accept a declaration that has been altered.

Section 602.01 of the MPEP states the following:

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

Therefore, a new acceptable oath or declaration executed by the inventor Donna Lynn Wilkinson is required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States. In the alternative, a petition under 37 CFR 1.182 to correct the name of the inventor is required.

Petitioner has not satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

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

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

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In re Application of HASKINS et al. Application No.: 12/160,183 Filing Date: 07 July 2008 Attorney's Docket No.: 20004/316-US For: METHODS AND APPARATUS TO RECRUIT PERSONNEL	:	DECISION

This decision is in response to applicant's "Renewed Petition under 37 CFR 1. 47(a)" filed in the United States Patent and Trademark Office (USPTO) on 18 September 2009 to accept the application without the signature of inventor ERIK CAMAYD FREIXAS (CAMAYD). This is also in response to applicant's petition under 37 CFR 1.182 to correct the name of the second joint inventor.

BACKGROUND

The procedural history of this application is set forth in the decisions mailed on 02 April 2009 and 27 July 2009 and is incorporated by reference herein. The 27 July 2009 decision was mailed indicating that the declaration executed by the second inventor was an entity not identified in the international application and unacceptable.

DISCUSSION

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

Petitioner previously satisfied Items (1), (2) and (3).

With regard to Item (4) above, the 37 CFR 1.47(a) applicant now submits a petition under 37 CFR 1.182 to correct the inventor's name and a declaration of the second inventor indicating that her name changed via a court order.

A review of the application file reveals that the given name of the applicant as listed on the published international application is "Donna Lynn Wilkinson". The declaration, filed on 26 May 2009, was signed by "Donna Lynn Bluestone"(it is noted that the alteration was signed and dated by the inventor). Applicant now submits declaration by the inventor Donna Lynn Bluestone indicating that her name changed from Donna Lynn Wilkinson due to court order.

For the above reasons, the petition under 37 CFR 1.182 to change the respective

inventor's name to Donna Lynn Bluestone is **GRANTED**. The declaration meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declarations filed 26 May 2009. The application has an international filing date of 11 January 2007 under 35 U.S.C. 363, and a date of 26 May 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

Cynthia M. Kratz
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Erik Camayd-Freixas
15453 S. W. 115th Street
Miami, Florida 33196-6307

In re Application of
HASKINS et al.
Application No.: 12/160,183
Filing Date: 07 July 2008
Attorney's Docket No.: 20004/316-US
For: METHODS AND APPARATUS TO RECRUIT PERSONNEL

Dear Mr. Camayd-Freixas:

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

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

Cynthia M. Kratz

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/160,229	07/08/2008	Yoshiyuki Tanio	027667-00012	8530

4372 7590 03/04/2010
ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER
BLAU, STEPHEN LUTHER

ART UNIT	PAPER NUMBER
3711	

NOTIFICATION DATE	DELIVERY MODE
03/04/2010	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):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.com

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ARENT FOX LLP
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SUITE 400
WASHINGTON DC 20036

In re Application of: TANIO, YOSHIYUKI Serial No. 12/160,229 Filed: Jul. 8, 2008 Docket: 027667-00012 Title: SPORTS EQUIPMENT	DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the petition filed November 3, 2009 under 37 CFR 1.181 requesting withdrawal of the Notification of Non-Compliant Amendment issued on October 9, 2009.

The petition is **granted.**

In finding petitioner's points of argument persuasive in view of the latest supplemental complaint amendment of January 8, 2010 and after consultation with the examiner, the requested relief is granted. The Notification of Non-Compliant Amendment issued on October 9, 2009 is hereby withdrawn. The examiner has been requested to consider the amendment filed on January 8, 2010 in his next Office action.

The application is being forwarded to the examiner via his Supervisory Patent Examiner of Art Unit 3711 for consideration of the latest amendment filed on January 8, 2010. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner at (571) 272-4856.

PETITION GRANTED.

Robert Olszewski, Director
Technology Center 3700

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1 0 JUL 2008

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of	:	
WOOD, et al.	:	
Application No.: 12/160,247	:	
PCT No.: PCT/US06/31844	:	DECISION ON PETITION
Int. Filing Date: 16 August 2006	:	
Priority Date: 16 September 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 4491-081535	:	
For: PNEUMATIC EMERGENCY BRAKE	:	
ASSURANCE MODULE	:	

The renewed petition to revive under 37 CFR 1.137(b) filed 08 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the U.S. Basic National fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 16 August 2006 under 35 U.S.C. 363 and will be given a date of **08 July 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

Derek A. Putonen
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Mail Date: 04/28/2010

Applicant	: James A. Wood	: DECISION ON REQUEST FOR
Patent Number	: 7661770	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/160,247	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/08/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **23** 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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In re Application of	:	
HAINES et al	:	
Application No.: 12/160,259	:	
PCT No.: PCT/US2007/000301	:	
Int. Filing Date: 09 January 2007	:	DECISION
Priority Date: 11 January 2006	:	
Attorney Docket No.: RDD-0011	:	
For: A PHARMACEUTICAL . . . PACKAGE	:	

The decision is in response to applicants' petition under 37 CFR 1.182 filed in the USPTO on 19 August 2009.

BACKGROUND

On 09 January 2007, applicants filed international application PCT/US2007/000301 which designated the United States and claimed a priority date of 11 January 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 July 2008.

On 08 July 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 26 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 29 October 2008, applicants filed a submission which was accompanied by two declarations of inventors.

On 12 November 2008, the USPTO issued a NOTIFICATION OF DEFECTIVE

RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declarations of inventors submitted with the 29 October 2008 submission were not in compliance with 37 CFR 1.497(a)-(b) because the first declaration contained non-initialed alterations and the second declaration was missing the first page.

On 17 December 2008, applicants filed a submission including two declarations of inventors.

On 19 August 2009, the USPTO issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declarations of inventors submitted with the 17 December 2008 submission were not in compliance with 37 CFR 1.497(a)-(b) because the fifth inventor's surname on the declaration of inventors did not correspond to the surname listed in the published international application.

On 19 August 2009, applicants submitted the instant petition under 37 CFR 1.182. The petition was accompanied by an affidavit of Jasmina Marjanovic.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

As to item (1), the petition fee has been paid.

With regard to item (2), the statement of Jasmina Marjanovic is a statement setting forth both names (Jasmina Buki and Jasmina Marjanovic) and the procedure (marriage) whereby the change of name was effected. The statement is accepted.

Declaration of Inventors

The declarations of inventors filed 17 December 2008 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

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

/Daniel Stemmer/

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/160,281		Takayuki ITO	2008-1146A	9091

52349 7590 09/23/2008
WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
09/23/2008	PAPER

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

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

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED

SEP 23 2008

TECHNOLOGY CENTER 2100

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

In re Application of: ITO et al.
Application No. 12/160,281
Filed: July 8, 2008
For: SECURE PROCESSING DEVICE, METHOD AND PROGRAM

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 16, 2008,to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in

the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

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

Telephone inquiries concerning this decision should be directed to 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

15 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Intervet/Schering-Plough Animal Health
Patent Department
P.O. BOX 318
29160 Intervet Lane
Millsboro, DE 19966-0318

In re Application of	:	
PIERRES et al.	:	
Application No.: 12/160,292	:	DECISION ON PETITION
PCT No.: PCT/EP07/50107	:	
Int. Filing Date: 05 January 2007	:	
Priority Date: 06 January 2006	:	
Attorney Docket No.: 2006.001 US-2	:	
For: CONCENTRATED LIQUID THYROID HORMONE COMPOSITION		

The petition to revive under 37 CFR 1.137(b) filed 08 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of	:	
HAMADA, SEIJI	:	DECISION ON REQUEST TO
Application No. 12/160,297	:	PARTICIPATE IN PATENT
Filed: July 08, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 2008_1179A	:	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 08, 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

2 2 JUN 2009

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Alexandria, VA 22313-1450
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THE ESTEE LAUDER COS, INC
155 PINELAWN ROAD
STE 345 S
MELVILLE NY 11747

In re Application of	:	DECISION
WANG et al.	:	
Application No.: 12/160,449	:	
PCT No.: PCT/US2007/060742	:	
Int. Filing Date: 19 January 2007	:	
Priority Date: 20 January 2006	:	
Attorney Docket No.: 05.43	:	
For: TOPICAL PREPARATIONS	:	
COMPRISING FLOWER WAX AND	:	
CANDELILLA	:	

This decision is in response to applicants' submission filed on 03 April 2009, which has properly been treated as a petition under 37 CFR 1.497(d) and a petition under 37 CFR 1.182.

BACKGROUND

On 19 January 2007, applicant filed international application PCT/US2007/060742, which designated the United States and claimed a priority date of 20 January 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 26 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 July 2008 (20 July 2008 being a Sunday).

On 10 July 2008, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 04 Augusr 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 02 October 2008, applicant filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a declaration of inventors.

On 09 March 2009, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration of inventors filed 02 October 2008 did not identify the same inventive entity as indicated in the international application.

On 03 April 2009, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.497(d) and a petition under 37 CFR 1.182.

DISCUSSION

Additional Inventors–Petition Under 37 CFR 1.497(d)

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Item (1) has not been satisfied. A statement from Paul Marotta and a statement from Robert Mou that any error in inventorship in the international application occurred without deceptive intention on his part has not been provided.

As to item (2), the processing fee of $130 has been charged to Deposit Account 05-1320.

Item (3) has not been satisfied. No mention is made in the petition regarding whether an assignment has been executed. If an assignment has been executed, the written consent of the assignee is required. A proper showing under 37 CFR 3.73(b) is also required if an assignment has been executed. See MPEP § 324.

Item (4) is not required.

Change of Name Through Marriage–Petition Under 37 CFR 1.182

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the

appropriate petition fee and (2) an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

As to item (1), the petition fee has not been paid.

With regard to item (2), such an affidavit has not been provided.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

The petition under 37 CFR 1.182 is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d) and 1.182." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

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

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
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1 SEP 2009

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THE ESTEE LAUDER COS, INC
155 PINELAWN ROAD
STE 345 S
MELVILLE NY 11747

In re Application of	:	DECISION
WANG et al.	:	
Application No.: 12/160,449	:	
PCT No.: PCT/US2007/060742	:	
Int. Filing Date: 19 January 2007	:	
Priority Date: 20 January 2006	:	
Attorney Docket No.: 05.43	:	
For: TOPICAL PREPARATIONS	:	
COMPRISING FLOWER WAX AND	:	
CANDELILLA	:	

This decision is in response to applicants' submission filed on 15 July 2009, which includes a renewed petition under 37 CFR 1.497(d) and a renewed petition under 37 CFR 1.182.

BACKGROUND

On 19 January 2007, applicant filed international application PCT/US2007/060742, which designated the United States and claimed a priority date of 20 January 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 26 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 July 2008 (20 July 2008 being a Sunday).

On 10 July 2008, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 04 Augusr 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 02 October 2008, applicant filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a declaration of inventors.

On 09 March 2009, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration of inventors filed 02 October 2008 did not identify the same inventive entity as indicated in the international application.

On 03 April 2009, applicants filed a submission, which was properly treated as a petition under 37 CFR 1.497(d) and a petition under 37 CFR 1.182.

On 22 June 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.497(d) and applicants' petition under 37 CFR 1.182.

On 15 July 2009, applicants filed the instant renewed petitions under 37 CFR 1.497(d) and 37 CFR 1.182.

DISCUSSION

Additional Inventors–Petition Under 37 CFR 1.497(d)

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 22 June 2009, item (2) has been met and item (4) is not required. Items (1) and (3) have now been met as well.

Change of Name Through Marriage–Petition Under 37 CFR 1.182

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

Items (1) and (2) have now been met.

Declaration of Inventors

The declaration of inventors filed 03 April 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

The petition under 37 CFR 1.182 is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Tian Xiang WANG, Paul MAROTTA, Katie Ann FRAMPTON, and Robert MOU as inventors.

/Daniel Stemmer/

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PCT Legal Affairs
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24 MAR 2009

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

In re Application of	:	
MASSON et al.	:	
Application No.: 12/160,479	:	DECISION
PCT No.: PCT/IB2006/003157	:	
Int. Filing Date: 17 July 2006	:	
Priority Date: None	:	
Attorney Docket No.: 19908-0003US1	:	
For: RULE MODEL FOR HEALTHCARE INFORMATION	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 12 January 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 17 July 2006, applicants filed international application PCT/IB2006/003157, which designated the United States and did not claim a priority date . A copy of the international application was communicated from the International Bureau to the USPTO on 24 January 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 January 2009 (17 January 2009 being a Saturday, 19 January 2009 being a Federal holiday, and 20 January 2009 being holiday in the District of Columbia).

On 10 July 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 October 2008, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 12 January 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time, a declaration of inventors, a statement of facts by Nicolas Dubost, a copy of an e-mail from a Mr. Patrice Cipre to Nicolas Dubost dated 23 October 2008, a statement of facts by Jean Paul Ortelli, and a copy of

tracking information for a package sent to non-signing inventor Romain Demoustier on 12 November 2008 and an English translation thereof.

DISCUSSION

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

Items (1), (3), and (4) have been met. Item (2) has been met as well. It has been established that Mr. Demoustier was presented with a copy of the application papers including the specification (declaration of Jean Paul Ortelli and tracking information). Mr. Demoustier's conduct constitutes a refusal to sign.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **12 January 2009**.

/Daniel Stemmer/

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Legal Examiner
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24 MAR 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. Romain Demoustier
57 Avenue d'Estienne d'Orves
06000 Nice
France

In re Application of
MASSON et al.
Application No.: 12/160,479
PCT No.: PCT/IB2006/003157
Int. Filing Date: 17 July 2006
Priority Date: None
Attorney Docket No.: 19908-0003US1
For: RULE MODEL FOR HEALTHCARE INFORMATION

Dear Mr. Demoustier:

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

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

/Daniel Stemmer/

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26161
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Minneapolis, MN 55440-1022

In re Application of
MASSON *et al*
Application No.: 12/160,485
PCT No.: PCT/US2006/003156
Int. Filing Date: 27 January 2006
Priority Date: 28 January 2005
Attorney Docket No.: 19908-004US1
For: TRANSACTIONAL STORAGE SYSTEM FOR HEALTHCARE INFORMATION

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a) filed 28 May 2009.

BACKGROUND

On 19 September 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required.

On 12 November 2008, applicants submitted a $65.00 surcharge fee and a declaration executed by the two joint inventors.

On 09 December 2005, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and all 35 U.S.C. 371 requirements of 12 November 2008.

On 28 May 2009, applicants filed the subject petition under 37 CFR 1.47 requesting that the Office accept a Supplemental Declaration in the above-captioned application.

DISCUSSION

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted in the above-captioned application on 12 November 2008. Nonetheless, applicants filed the subject petition because the prior declaration "recited priority to PCT/IB06/03157 under § 119 as opposed to 35 U.S.C. § 371." This change is not required.

12/160,485

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

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

The $200.00 petition fee has been credited back to Deposit Account No. 06-1050.

This application is being forwarded to Art Unit 2160 for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

19 JUN 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

In re Application of COATES et al.	:
Application No.: 12/160,533	:
PCT No.: PCT/GB07/00116	: DECISION ON
Int. Filing: 16 January 2007	:
Priority Date: 16 January 2006	: PETITION
Attorney Docket No.: 1101.172WOUS	:
For: METHOD FOR THE PREPARATION OF	:UNDER 37 CFR 1.47(a)
FLUOROPOLYMER POWDERED MATERIALS	:

This is a decision on applicant's Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 21 April 2009.

BACKGROUND

On 10 July 2008, applicant filed a transmittal letter requesting entry into the U.S. national stage along with the basic national fee.

On 21 April 2009, applicant filed a petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor Robert Iain Whitlow, alleging that the inventor refuses to sign the application.

DISCUSSION

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

With respect to Item (1), applicant indicates that the requisite $200 petition fee was paid electronically. However the payment is not reflected among the USPTO finance records. Per applicant's authorization, the fee will be charged to his deposit account. '

With regard to Item (2), Susan Roberts-Bleming indicates that she sent a copy of the application and declaration to the nonsigning inventor. The nonsigning inventor left a telephone message indicating that he would not sign the documents. A copy of the correspondence which accompanied the documents sent to the nonsigning inventor would be helpful in determining whether the applicant was apprised of the application papers and declaration requiring his signature. See MPEP Section 409.03(d) which states in pertinent part: "If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted."

Item (3) is satisfied with the statement of the last known address of the nonsigning inventor.

With regard to Item (4), applicant is advised that there is no indication that an oath or declaration executed by the joint inventors on behalf of the nonsigning inventors was provided. Such declaration is required.

Applicant has not yet satisfied Items (2) and (4) above. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

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

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

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 272-0459

3 0 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of COATES et al.	:
Application No.: 12/160,533	:
PCT No.: PCT/GB07/00116	: DECISION ON
Int. Filing: 16 January 2007	:
Priority Date: 16 January 2006	: PETITION
Attorney Docket No.: 1101.172WOUS	:
For: METHOD FOR THE PREPARATION OF	:UNDER 37 CFR 1.47(a)
FLUOROPOLYMER POWDERED MATERIALS	:

This is a decision on applicant's Renewed Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 18 August 2009.

BACKGROUND

On 10 July 2008, applicant filed a transmittal letter requesting entry into the U.S. national stage along with the basic national fee.

On 21 April 2009, applicant filed a petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor Robert Iain Whitlow, alleging that the inventor refuses to sign the application.

On 19 June 2009, a decision dismissing the petition was mailed indicating that applicant had not provided sufficient evidence regarding the non-signing inventor's refusal and had not provided an executed declaration.

On 14 August 2009, applicant submitted a declaration, executed by the joint inventors on behalf of the non-signing inventors.

DISCUSSION

As previously stated, a petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1) and (3).

With regard to Item (2), applicant provided a copy of the 05 August 2009 correspondence which accompanied the documents sent to the nonsigning inventor. This correspondence supports the factual statement of Susan Roberts-Bleming that the applicant was apprised of the

application papers and declaration requiring his signature. Item (2) is satisfied.

With regard to Item (4), applicant provided a copy of the declaration executed by the joint inventors on behalf of the nonsigning inventor. The declaration satisfies the requirements of 37 CFR 1.497(a) and (b). Item (4) is satisfied.

Applicant has now satisfied Items (1)- (4) above. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 14 August 2009. The application has an international filing date of 16 January 2007 under 35 U.S.C. 363, and a date of 14 August 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 272-0459

3 0 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ROBERT WHITLOW
17 FLETCHER STREET
WARRINGTON, CHESHIRE
WA4 6PY
GREAT BRITAIN

In re Application of COATES et al.
Application No.: 12/160,533
PCT No.: PCT/GB07/00116
Int. Filing: 16 January 2007
Priority Date: 16 January 2006
Attorney Docket No.: 1101.172WOUS
For: METHOD FOR THE PREPARATION OF FLUOROPOLYMER POWDERED MATERIALS

Dear Mr. Whitlow:

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

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

/Cynthia M. Kratz/

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286

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14 JUL 2008

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

In re Application of	:	
MARK, et al.	:	
U.S. Application No.: 12/160,597	:	DECISION ON PETITION
PCT No.: PCT/US05/47488	:	
Int. Filing Date: 29 December 2005	:	UNDER 37 CFR 1.137(b)
Priority Date: 29 December 2004	:	
Attorney Docket No.: 391258003US1	:	
For: NETWORK CLUSTERING	:	

The petition to revive under 37 CFR 1.137(b) filed 10 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors is required.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

23 JUL 2008

COMMISSIONER FOR PATENTS
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PERKINS COIE LLP
PATENT-SEA
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SEATTLE, WA 98111-1247

In re Application of TUCKER et al	:	
U.S. Application No.: 12/160,598	:	
PCT Application No.: PCT/US2006/006471	:	
Int. Filing Date: 23 February 2006	:	DECISION
Priority Date Claimed: 23 February 2005	:	
Attorney Docket No.: 391258004US1	:	
For: SECURE, DISTRIBUTED HIERARCHICAL	:	
CONVERGENCE NETWORK	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 10 July 2008.

BACKGROUND

On 23 February 2006, applicant filed international application PCT/US2006/006471, which claimed priority of an earlier United States application filed 23 February 2005. The thirty-month period for paying the basic national fee in the United States expired on 23 August 2007.

On 24 August 2007, international application PCT/US2006/006471 became abandoned as to the United States for failure to timely pay the basic national fee.

On 10 July 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

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

With regard to item (3), applicant has provided the required statement.

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

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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0 1 OCT 2008

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SEATTLE WA 98111-1247

In re Application of	:	
TUCKER et al.	:	
Application No.: 12/160,599	:	DECISION
PCT No.: PCT/US2006/006869	:	
Int. Filing Date: 25 February 2006	:	
Priority Date: 26 February 2005	:	
Attorney Docket No.: 391258005US1	:	
For: NAMING SYSTEM LAYER	:	

This decision is in response to applicants' submission filed 10 July 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 25 February 2006, applicant filed international application PCT/US2006/006869 which designated the U.S. and claimed a priority date of 26 February 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 08 September 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 August 2007 (26 August 2007 being a Sunday).

On 10 July 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

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

As to item (1), applicant submitted the basic national fee on 10 July 2008.

As to item (2), applicant submitted the petition fee on 10 July 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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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.
12/160,663		Katsuhiro MAKIHATA	061282-0352	3235

53080 7590 10/01/2009
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER

ART UNIT	PAPER NUMBER
2833	

MAIL DATE	DELIVERY MODE
10/01/2009	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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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096
UNITED STATES

In re Application of	**: DECISION ON REQUEST TO**
Katsuhiro MAKIHATA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/160,663	**: PROSECUTION HIGHWAY**
Filed: 13 September 2007	**: PROGRAM AND PETITION**
Attorney Docket No.: 061282-0352	**: TO MAKE SPECIAL UNDER**
For: SHIELD CASE AND MEMS MICROPHONE HAVING IT	**: 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 09 September 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is

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

    or

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

iii. contains no priority claim,

or

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

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

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

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

Claim 25 of the U.S. application recites "wherein the top plate has a sound hole and a distance from the sound hole to an end portion of the top plate is 1mm or more" in lines 1 and 2. The corresponding claim 10 of the Japanese application recites "wherein a size of a mounting surface of the board is 3X4mm; and the top plate has a sound hole and a distance from the sound hole to

an end portion of the top plate is 1mm or more" in lines 1-3. Consequently, it is apparent that claim 25 in the US application is missing the limitation, "a size of a mounting surface of the board is 3X4mm".

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.PET.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

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

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/160,663		Katsuhiro MAKIHATA	061282-0352	3235

53080 7590 12/23/2009
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER

ART UNIT	PAPER NUMBER
2833	

MAIL DATE	DELIVERY MODE
12/23/2009	PAPER

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

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

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096
UNITED STATES

In re Application of	**: DECISION ON REQUEST TO**
Katsuhiro MAKIHATA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/160,663	**: PROSECUTION HIGHWAY**
Filed: 13 September 2007	**: PROGRAM AND PETITION**
Attorney Docket No.: 061282-0352	**: TO MAKE SPECIAL UNDER**
For: SHIELD CASE AND MEMS MICROPHONE HAVING IT	**: 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 09 September 2009, and renewed request to participate, filed 30 October 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

    or

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

iii. contains no priority claim,

or

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

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

This request to participate in the PPH program and petition 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. 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 Michael Day at (571) 272-1568.

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

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

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23 JUL 2008

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120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

In re Application of RICHMOND	:	
U.S. Application No.: 12/160,698	:	
PCT Application No.: PCT/US2006/040778	:	
Int. Filing Date: 19 October 2006	:	DECISION
Priority Date Claimed: 20 October 2005	:	
Attorney Docket No.: 6976/87618	:	
For: CONNECTOR/DEVICE WITH REFLUX VALVES	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. §1.137(b)" filed 11 July 2008.

BACKGROUND

On 19 October 2006, applicant filed international application PCT/US2006/040778, which claimed priority of an earlier United States application filed 20 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 20 April 2008.

On 21 April 2008, international application PCT/US2006/040778 became abandoned as to the United States for failure to timely pay the basic national fee.

On 11 July 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), the petition states, "The entire delay in entering the national phase from the due date of April 20, 2008 until the filing of a grantable petition under 37 CFR 1.137(b), was unintentional." This statement is interpreted as 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 under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 19 October 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 July 2008.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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.
12/160,744		Kazuo Takeda	10478-3400	3947

52044 7590 07/31/2008
SNELL & WILMER L.L.P. (Matsushita)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

EXAMINER	
ART UNIT	PAPER NUMBER
2879	

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.

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SNELL & WILMER L.L.P.
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

In re Application of
Kazuo TAKEDA
Application No.: 12/160,744
Filed: 7/11/2008
Attorney Docket No.: 10478-3400

For: METAL VAPOR DISCHARGE LAMP AND ILLUMINATION APPARATUS

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 7/11/2008, 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

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SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

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FEB 16 2010

In re Application of	:
Kazuo Takeda, et al.	:
Application No. 12/160,744	: DECISION GRANTING PETITION
Filed: July 11, 2008	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 10478-3400	:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 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 January 14, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2879 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and the previously filed information disclosure statement.

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

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

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30 JUL 2008

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IPLA P.A.
3580 WILSHIRE BLVD, 17TH FLOOR
LOS ANGELES CA 90010

In re Application of: KIM, Hag, Chung, et al.
U.S. Application No.: 12/160,774 :
PCT No.: PCT/KR2006/005651 : DECISION ON PETITION
International Filing Date: 22 December 2006 :
Priority Date: 26 December 2005 :
Atty Docket No.: 2088-120 :
For: EXERCISE APPARATUS FOR :
BACKBONE REMEDY :

The petition for revival under 37 CFR 1.137(b) filed 11 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 26 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 small entity petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that applicants' 11 July 2008 submission included an executed declaration. Deposit Account No. 50-3566 will be charged the $65 small entity surcharge for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 11 July 2008.

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

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2 4 NOV 2009

Connolly Bove Lodge & Hutz LLP
PO Box 2207
Wilmington, DE 19899-2207

In re Application of	:	
MUHLHAUSEN et al.	:	
Application No.:12/160,811	:	
PCT No.: PCT/EP2006/010682	:	DECISION ON REQUEST
Int. Filing Date: 08 November 2007	:	
Priority Date: 19 January 2006	:	
Attorney Docket No.: 13744-00064	:	
For: CONTAINER CLOSURE		

This decision is issued in response to applicants' "Response to Notice of Missing of Application" filed 19 November 2009. Applicants are notifying the Office that the first inventor's name is Hans-Georg MUHLHAUSEN as indicated on the declaration (filed 14 July 2008) rather than Hans-Georg MULHAUSEN as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Petitioner asserts that the name of the first inventor is Hans-Georg MUHLHAUSEN. Further, the "Statement of Inventor in Response to Notification of Missing Requirement under 35 U.S.C. 371" avers that his name was misspelled in PCT/EP2006/010682 and that his correct name (Hans-Georg MUHLHAUSEN) is set forth in the Declaration filed 14 July 2008. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, petitioner's explanation of the difference in the spelling of the first inventor's name is accepted and noted for the record. For the reasons above, the request is **GRANTED**.

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/160,863	07/14/2008	Jong-Hoon Ann	678-3541 PCT-US	5431

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
01/12/2010	PAPER

7590 01/12/2010
THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3244

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SEP 23 2008

In re Application of	:	
Robert J. Ludlow, et al.	:	
Application No. 12/160,906	:	DECISION ON PETITION
Filed: July 15, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. B372.12-0042	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

The instant petition includes a statement from applicant's attorney that he is in possession of evidence to verify applicant's age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

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

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

2 8 AUG 2008

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K.F. ROSS P.C.
5683 RIVERDALE AVENUE,SUITE 203
BOX 900
BRONX NY 10471-0900

In re Application of	:	
Kaltner	:	
Application No.: 12/161,056	:	
PCT No.: PCT/EP2006/012194	:	
Int. Filing Date: 18 December 2006	:	DECISION
Priority Date: 16 December 2005	:	
Attorney Docket No.: 24247	:	
For: Detection Circuit Device And Method For Detecting	:	
The Presence Of An Object In The Vicinity Of A Motor V..	:	

The petition to revive under 37 CFR 1.137(b) filed on 16 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required documents from the due date of 16 June 2008 until this filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement is not correct. Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

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

Petitioner's Deposit Account, no. 18-2025, is being charged for the $130.00 surcharge under 37 CFR 1.492(h) and the $130.00 processing fee under 37 CFR 1.492(i), with authority as shown on the 16 July 2008 Electronic Acknowledgment Receipt.

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 **16 July 2008**.

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

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STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN OH 43017

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AUG 2 7 2008

OFFICE OF PETITIONS

In re Application of :
TONY R. ANCHORS :
Application No. 12/161,074 :
Filed: July 16, 2008 :
Attorney Docket No. **ANC2105-002C** :

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 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 Tony Anchors, 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 Processing. This application will be accorded "special" status when pre-examination processing is done.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/161,126	02/25/2010	Mino Green	KSTR 200010US01	8553

27885 7590 04/08/2010
FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115

EXAMINER
CONLEY, OI K

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
04/08/2010	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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APR - 8 2010

FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

In re Application of	:	
Green et al.	:	DECISION ON PETITION
Application No. 12/161,126	:	TO MAKE SPECIAL UNDER
Filed: 2/25/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **KSTR 2 00010**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/30/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be

accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 1.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 429/220.000) 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

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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.
12/161,126	02/25/2010	Mino Green	KSTR 200010US01	8553

27885 7590 06/15/2010
FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115

EXAMINER
CONLEY, OI K

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
06/15/2010	PAPER

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

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

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FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

JUN 15 2010

In re Application of	:	
Green et al.	:	DECISION ON PETITION
Application No. 12/161,126	:	TO MAKE SPECIAL UNDER
Filed: 2/25/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **KSTR 200010US01**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 6/3/2010, 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 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 instant petition complies with items 1 – 8 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

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Young-Beom Jang et al.	:	
Application No. 12/161,132	:	DECISION ON PETITION
Filed: October 15, 2008	:	TO WITHDRAW
Attorney Docket No. **091619-0170**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 9, 2009.

The request is **NOT APPROVED**.

The request cannot be approved because the assignee listed in the request has not established ownership under 37 CFR 3.71 in the above application.

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

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

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

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JUN 2 1 2010

OFFICE OF PETITIONS

In re Application of
Young-Beom Jang et al.
Application No. 12/161,132
Filed: October 15, 2008
Attorney Docket No. **091619-0170**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 18, 2010.

The request is **APPROVED**.

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

The request was signed by Mark A. Kassel on behalf of all attorneys of record who are associated with Customer Number 23524.

All attorneys/agents associated with Customer Number 23524 have been withdrawn.

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

All future correspondence will be directed to the assignee at the address list listed in the request.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Sangmyung University, Council for Industry Academic Cooperation
San 98-20, Anseo-dong, Cheonan-si
Chungcheongnam-do, Republic of Korea 330-720

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/161,172	10/21/2008	Yoshihisa Kishiyama	17401/059001	9112

22511 7590 05/28/2010
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER

ART UNIT	PAPER NUMBER
2611	

NOTIFICATION DATE	DELIVERY MODE
05/28/2010	ELECTRONIC

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

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

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

docketing@oshaliang.com
buta@oshaliang.com

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
KISHIYAMA, YOSHIHISA et al.	:	DECISION ON REQUEST TO
Application No. 12/161,172	:	PARTICIPATE IN PATENT
Filed: July 17, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **17401/059001**	:	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 14, 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

D.2

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22 JUL 2008

Dewey & LeBoeuf LLP
1101 New York Avenue, NW
Washington DC 20005

In re Application of GULATI et al.	:	
Application No.: 12/161,200	:	
PCT No.: PCT/US06/035169	:	DECISION ON
Int. Filing: 08 September 2006	:	
Priority Date: 09 September 2005	:	PETITION TO REVIVE
Attorney Docket No.: 781833.685224.001000	:	
For: ENDOTHELIN RECEPTORS IN	:	UNDER 37 CFR 1.137(b)
MORPHINE WITHDRAWAL	:	

The petition to revive under 37 CFR 1.137(b) filed 17 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that the basic national fee of $155 has now been provided. The required petition fee of $770 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

Cynthia M. Kratz

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/161,256	03/02/2009	Hitoshi Iikura	046124-5391	9743

9629 7590 03/22/2010
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER
EYLER, YVONNE L

ART UNIT	PAPER NUMBER
1619	

MAIL DATE	DELIVERY MODE
03/22/2010	PAPER

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

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

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

MAR 2 2 2010

In re Application of IIKURA, HITOSHI et. al. Application No. 12/161,256 Filed: March 02, 20089 Attorney Docket No. 046124-5391	: : : : : : :	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 17, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON DC 20001

MAILED

JUL 14 2010

OFFICE OF PETITIONS

In re Application of	:	
LONGSTAFF, Dennis	:	
Application No. 12/161,290	:	DECISION ON PETITION
Filed: October 16, 2008	:	TO WITHDRAW
Attorney Docket No. **FILT-001/01US 311880-2001**	:	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 Jun 10, 2010.

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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2 2 JUL 2008

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of SON et al. Application No.: 12/161,293 PCT No.: PCT/KR06/00201 Int. Filing: 18 January 2006 Priority Date: 30 December 2005 Attorney Docket No.: 1508-24 PCT/US For: METHODS FOR RECOVERING ORGANIC-INORGANIC ELEMENT DOPED-METAL OXIDES	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 17 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that the basic national fee of $155 has now been provided. The required petition fee of $770 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

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

2 8 AUG 2009

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

In re Application of:	:	
MAN, Piu, Francis, et al.	:	
U.S. Application No.: 12/161,301	:	DECISION ON PETITION UNDER
PCT No.: PCT/US2007/002280	:	37 CFR 1.47(a)
International Filing Date: 26 January 2007	:	
Priority Date: 26 January 2006	:	
Atty's Docket No.: NASS-0015	:	
For: ELECTROSPRAY DEPOSITION:	:	
DEVICES AND METHODS THEREOF	:	

This decision is issued in response to applicants' "Petition In Support Of Filing On Behalf Of Non-Signing Inventor (37 CFR 1.47(a))" filed 11 February 2009. Applicants have paid the required petition fee.

BACKGROUND

On 26 January 2007, applicants filed international application PCT/US2007/002280. The international application claimed a priority date of 26 January 2006, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 26 July 2008.

On 17 July 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 18 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and additional claims fees were required.

On 11 February 2009, applicants the petition considered herein in response to the Notification Of Missing Requirements. The petition seeks acceptance of the application without the signature of inventor Salvatore PACE, whom applicants assert has refused to execute the application. Applicants' 11 February 2009 submission included payment of the required four-month extension fee and the surcharge for filing the declaration later than thirty months after the priority date. Pursuant to the authorization to charge required fees contained in the present petition, Deposit Account No. 23-3050 will be charged the additional claims fees required by the Notification Of Missing Requirements.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors of record, and the declaration includes, as required, an unsigned signature block for the non-signing inventor, Salvatore J. PACE. This declaration may be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor, Salvatore J. PACE. Accordingly, item (3) of a grantable petition is satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have provided a firsthand statement from Valerie Chicchi, with supporting documents, providing an acceptable showing that a request for signature, accompanied by a copy of the complete application, was provided to the non-signing inventor and that the inventor expressly indicated that he would not sign the application documents, as requested. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (4) is therefore satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Salvatore J. PACE.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 11 February 2009.

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

2 8 AUG 2009

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Salvatore J. PACE
44 Bay Boulevard
Newark, Delaware
19702

In re Application of: MAN, Piu, Francis, et al.
U.S. Application No.: 12/161,301
PCT No.: PCT/US2007/002280
International Filing Date: 26 January 2007
Priority Date: 26 January 2006
Atty's Docket No.: NASS-0015
For: ELECTROSPRAY DEPOSITION: DEVICES AND METHODS THEREOF

Dear Mr. PACE:

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

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

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

Counsel Of Record:
Jeffrey H. ROSEDALE
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/161,304		Toshifumi FUKUNISHI	0037-0241PUS1	1142

2292 7590 09/30/2008
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
ART UNIT	PAPER NUMBER
3643	

NOTIFICATION DATE	DELIVERY MODE
09/30/2008	ELECTRONIC

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

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

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

mailroom@bskb.com

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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MAILED
FROM DIRECTORS OFFICE

SEP 29 2008

TECHNOLOGY CENTER 3600

Birch Stewart Kolasch & Birch
PO Box 747
Falls Church, VA 22040-0747

In re application of	:	DECISION ON REQUEST TO
Toshifumi Fukunishi	:	PARTICIPATE IN PATENT
Application No. 12/161,304	:	PROSECUTION HIGHWAY
Filed: July 17, 2008	:	PROGRAM AND PETITION
For: MAT FOR HANDLING SAND FOR	:	TO MAKE SPECIAL UNDER
PET	:	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 24, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

In light of the preliminary amendment and the IDS filed July 17, 2008, the request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Teri P. Luu 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: 09/26/08

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0 7 JAN 2009

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

In re Application of:	:	
OH, Hyen, O., et al.	:	DECISION ON REQUEST TO
U.S. Application No.: 12/161,334	:	CORRECT INVENTOR'S NAME
PCT No.: PCT/KR2007/000345	:	
International Filing Date: 19 January 2007	:	
Priority Date: 19 January 2006	:	
Atty Dkt No.: 19819-245US1	:	
For: METHOD AND APPARATUS FOR	:	
PROCESSING A MEDIA SIGNAL	:	

This decision is issued in response to the "Petition Regarding Inventor's Name" filed 13 November 2008, treated herein as a request to correct the second inventor's name. No petition fee is required.[1]

BACKGROUND

On 19 January 2007, applicants filed international application PCT/KR2007/000345. The international application claimed a priority date of 19 January 2006, and it designated the United States. On 26 July 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., 19 July 2008.

The published international application identified the second inventor as Hee Suck PANG.

On 17 July 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, an application data sheet (ADS), and an executed declaration. The declaration and the ADS identified the second inventor as Hee Suk PANG.

On 02 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date. The Notification indicated that the declaration filed 17 July 2008 was defective based on the inconsistency in the second inventor's name.

[1] The unnecessary $400 petition fee included with applicant's submission will be refunded to Deposit Account No. 06-1050.

On 13 November 2008, applicants filed a response to the Notification Of Missing Requirements consisting of the Petition Regarding Inventor's Name" considered herein.[2] The submission requests acceptance of the declaration filed 17 July 2008, asserting that the second inventor's name is correct on the declaration and that the inconsistency with the international application is the result of a misspelling made during the international phase.

DISCUSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following (emphasis added):

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). **However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.**

Here, applicants' present submission indicates that the correct name of the second inventor is Hee Suk PANG, as listed on the declaration filed 17 July 2008, and it indicates that the name of this inventor was erroneously identified on the published international application because the name was "misspelled" during the international phase. The misspelling of the inventor's name is interpreted as a typographical or transliteration error. Accordingly, a petition under 37 CFR 1.182 is not required to enter the requested correction.

The correct name for the second inventor is accepted as Hee Suk PANG. In view of this correction, the declaration filed 17 July 2008 is acceptable under 37 CFR 1.497. Because this declaration was filed prior to the expiration of thirty months from the priority date, payment the $130 surcharge for filing the declaration later than thirty months after the priority date (referred to in the Notification Of Missing Requirements) is not required in the present application.

CONCLUSION

Applicants' 13 November 2008 request to correct the error in the name of the second inventor is **GRANTED**.

The name of record for the second inventor is accepted as **Hee Suk PANG**, as set forth in the declaration and ADS filed 17 July 2008.

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[2] Based on the authorization to charge required fees included in the Form PTO-1390 filed 17 July 2008, Deposit Account No. 06-1050 will be charged the $130 fee required for the one-month extension of time necessary for this submission to be considered a timely response to the Notification Of Missing Requirements.

Based on the present correction of the second inventor's name, the declaration filed on 17 July 2008 is acceptable under 37 CFR 1.497.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 17 July 2008.

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2 4 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of:	:	
SCHUMACHER, Karl-Heinz, et al.	:	DECISION ON PETITION TO
U.S. Application No.: 12/161,484	:	CHANGE INVENTOR'S NAME
PCT No.: PCT/EP2007/050236	:	(37 CFR 1.182)
International Filing Date: 11 January 2007	:	
Priority Date: 19 January 2006	:	
Attorney Docket No.: 328327US0PCT	:	
For: POLYURETHANE ADHESIVE	:	
COMPRISING SILANE GROUPS	:	
AND CARBODIIMIDE GROUPS	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.182 To Correct Name Of Inventor" filed 16 September 2008. Applicants have submitted the required $400 petition fee.

BACKGROUND

On 11 January 2007, applicants filed international application PCT/EP2007/050236. The application claimed a priority date of 19 January 2006, and it designated the United States. On 26 July 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., 19 July 2008. The published international application identified the third inventor as Denise PREYSING.

On 18 July 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, an English translation of the international application, an executed declaration, and an application data sheet (ADS). The name of the third inventor listed on the declaration and the ADS was Denise VON PREYSING.

On 16 September 2008, applicants filed the "Petition Under 37 CFR 1.182 To Correct Name Of Inventor" considered herein, accompanied by a supplemental declaration. The petition requests a change in the third inventor's name of record from Denise PREYSING to Denise du FRESNE VON HOHENESCHE. The supplemental declaration included with the petition lists the name of the third inventor as Denise du FRESNE VON HOHENESCHE.

DISCUSSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

The present petition indicates that the name of the third inventor has changed (due to marriage) since the filing of the international application, and the new name of the inventor is set forth in the supplemental declaration filed 16 September 2008. In order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required.

Section 605.04(c) of the MPEP, referred to above, sets forth the requirements for a petition under 37 CFR 1.182 to correct an inventor's name. According to the MPEP, such a 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."

Applicants' present petition is accompanied by payment of the required $400 petition fee and a "DECLARATION OF Denise du FRESNE VON HOHENESCHE" in which the inventor confirms that, as a result of marriage, her name was legally changed from Denise VON PREYSING to Denise du FRESNE VON HOHENESCHE. The petition was also accompanied by a supplemental declaration executed by the inventor under her new name. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to change the name of record for this inventor from Denise PREYSING to Denise du FRESNE VON HOHENESCHE.

It is noted that applicants have not submitted a supplemental ADS correcting the name of the third inventor, as recommended. See MPEP section 605.04(c): "Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. ... If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name."

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Denise PREYSING to Denise du FRESNE VON HOHENESCHE is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision, including correcting USPTO records to indicate that the name of record for the third inventor is Denise du FRESNE VON HOHENESCHE.

The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 18 July 2008.

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03 MAR 2009

OLIFF & BERRIDGE, PLC
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In re Application of	:
NEGRE et al.	:
U.S. Application No.: 12/161,493	:
PCT Application No.: PCT/FR07/50699	: DECISION ON REFUND
Int. Filing Date: 26 January 2007	:
Priority Date: 26 January 2006	:
Atty. Docket No.: 137847	:
For: DRAINAGE SYSTEM FOR THE TREATMENT OF HYDROCEPHALY	:

This is a decision on applicant's petition entitled "SMALL ENTITY ASSERTION AND REQUEST FOR REFUND" filed on 16 September 2008.

On 18 July 2008, applicant filed a transmittal letter to enter national stage along with the basic national fee in the amount of $310. On 16 September 2008, applicant filed a request for refund of $790 for national fees paid on 18 July 2008 along with a small entity statement.

A review of the finance records reveals that applicant paid the basic national fee in the amount of $310, along with subsequent fees, amounting to $1580. No credit for a refund of the basic national fee upon receipt of the small entity statement appears in the finance records.

Since the small entity statement, filed on 16 September 2008, is deemed to meet the requirements of 37 CFR 1.27, a refund of $790 pursuant to 37 CFR 1.28 (a) and 37 CFR 1.26 is in order and has been credited to applicant's deposit account No. 15-0461.

CONCLUSION

For the reasons above, applicant's request for refund filed 16 September 2008 in the amount of $790 is **GRANTED** and has been credited to applicant's deposit account.

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1 6 JUL 2009

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In re Application of	:
NEGRE et al.	:
U.S. Application No.: 12/161,493	:
PCT Application No.: PCT/FR07/50699	: DECISION ON REFUND
Int. Filing Date: 26 January 2007	:
Priority Date: 26 January 2006	:
Atty. Docket No.: 137847	:
For: DRAINAGE SYSTEM FOR THE TREATMENT OF HYDROCEPHALY	:

This is a decision on applicant's petition under 37 CFR 1.47(a) filed on 08 May 2009 in the United States Patent and Trademark Office. Applicant's request for a two month extension of time is granted.

BACKGROUND

On 26 January 2009, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 08 May 2009, applicant filed a response along with a petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor M. Oliver Bonnal alleging that Mr. Bonnal is unavailable.

DISCUSSION

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

The petition fee of $200 was paid, satisfying Item (1). Item (3) is satisfied because the last known addresses of non-signing inventor was provided. With regard to item (4), the declaration

executed by the available joint inventor on his behalf and on behalf of the non-signing inventor was submitted and is acceptable.

With respect to Item (2) above, the declaration of Jerome Sartorius, European patent attorney, was attached to the petition. Mr. Sartorius' declaration relates his unsuccessful attempt to provide a complete copy of the application papers to the non-signing inventor. It was discovered that Mr. Bonnal no longer lives at the last known address.

Unavailability of Inventor

Petitioner also provided the first hand statement of facts of Philippe Negre regarding his attempts to search to locate the non-signing inventor Bonnal.

As indicated in the MPEP Section 409.03(d), where inability to find or reach a non-signing 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 non-signing inventor could not be found or reached should be made part of the statement.* The steps taken to locate the whereabouts of the non-signing inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

Petitioner did not demonstrate with the submission of any documentary evidence what "diligent efforts" were undertaken to locate Mr. Bonnal to obtain his signature on the declaration. Mr. Negre indicates that he made some effort to locate the non-signing inventor using the Internet and contacting the assignee and employees who had worked with Mr. Bonnal. However these efforts were not detailed in his statement of facts and supported by documentary evidence. Mr. Negre indicates an attempt to locate a telephone number for Mr. Bonnal using a directory search; however, the documentary evidence of this attempt was not provided and is required. *Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the non-signing inventor could not be found or reached should be made part of the statement.* A request from the French Postal Service seeking Mr. Bonnal's forwarding address could be made.

Where inability to find or reach a non-signing 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. Since the attempts to locate the inventor were not documented, it cannot be concluded at this time that a "diligent effort" was made to locate the non-signing inventor.

The action taken by petitioner is <u>not</u> sufficient to prove that "a diligent effort" was made to contact the non-signing inventor. Under these circumstances, it cannot be concluded that the non-signing inventor is unavailable to sign the application. Petitioner has not satisfied Item (2).

In sum, Petitioner has satisfied Items (1), (3) and (4) above. Petitioner has not satisfied Item (2) by demonstrating that the non-signing inventor Bonnal is unavailable to sign these documents. For the reasons set forth above, the evidence submitted does not support a finding that the non-signing inventor is unavailable to sign the application at this time. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

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

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

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2 1 DEC 2009

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In re Application of	:
NEGRE et al.	:
U.S. Application No.: 12/161,493	:
PCT Application No.: PCT/FR07/50699	: DECISION ON REFUND
Int. Filing Date: 26 January 2007	:
Priority Date: 26 January 2006	:
Atty. Docket No.: 137847	:
For: DRAINAGE SYSTEM FOR THE TREATMENT OF HYDROCEPHALY	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a) filed on 06 October 2009 in the United States Patent and Trademark Office. Applicant's request for a one month extension of time is granted.

The procedural history of this application was set forth in the decision mailed on 16 July 2009 and is incorporated herein by reference.

Regarding the previously non-signing inventor, Petitioner has now provided a declaration executed by Oliver Bonnal. The petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted. A review of the declaration submitted reveals that it is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

For the reasons set forth above, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**. The declarations executed by the inventors and submitted on 06 October 2009, are in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

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In re Application of	:	
Venkatesh	:	
Application No.: 12/161,556	:	
PCT No.: PCT/IN2006/000073	:	
Int. Filing Date: 02 March 2006	:	DECISION
Priority Date: 20 December 2005	:	
Attorney Docket No.: 1020-07-PCT-PA-T	:	
For: A Dynamic Harmonic Filter	:	
For An AC Power System	:	

The petition to revive under 37 CFR 1.137(b) filed on 18 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

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

Inspection of the declaration filed under PCT Rule 4.17(iv) reveals that it is suitable for purposes of compliance with 37 CFR 1.497(a) and (b).

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 **18 July 2008**.

/George Dombroske/
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2 2 AUG 2008

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In re Application of :
FERNANDEZ et al. :
U.S. Application No. 12/161,662 :
PCT No.: PCT/ES06/00703 :
Int. Filing Date: 22 December 2006 :
Priority Date: 26 December 2005 : DECISION ON PETITION
Attorney Docket No.: 15053.0118USWO :
For: METHOD FOR OBTAINING A-ALUMINA CRYSTALS OR FIBERS USING THE VAPOR-LIQUID-SOLID (VLS) MECHANISM. . . . SYSTEMS THAT CONTAIN METAL AL AND SIO2 :

The petition to revive under 37 CFR 1.137(b) filed 21 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

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2 3 JUL 2009

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In re Application of KREWER, et al.	:
Application No.: 12/161,666	:
PCT Application No.: PCT/EP2006/70230	:
Int. Filing Date: 27 December 2006	: DECISION ON
Priority Date: 17 January 2006	:
Attorney Docket No.: 534-001US	: PETITION FOR REVIVAL
For: METHOD FOR OUTPUTTING DATA	:
RECORDS, AND APPARATUS THEREFOR	: UNDER 37 CFR 1.137(b)
	:
	:

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 21 July 2009.

BACKGROUND

On 27 December 2006, applicants filed international application PCT/EP2006/70230, which claims priority date of 17 January 2006. A copy of the international application was communicated to the USPTO from the Internal Bureau on 26 July 2007. The thirty-month period for paying the basic national fee in the United States expired midnight on 17 July 2008. Accordingly, PCT/US2007/014715 became abandoned at midnight 17 July 2008 for failure to timely pay the basic national fee.

On 21 July 2008, applicants filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 C.F.R. 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) a proper reply, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed before June 8, 1995).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the $1,540 petition fee has been charged to the credit card account as authorized by applicant.

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

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

The request to revive the application abandonment under 35 U.S.C. 371(d) is granted as to the National stage in the United Stated of America.

CONCLUSION

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

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

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Detailee
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Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

2 4 SEP 2008

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San Jose, CA 95131

In re Application of:	:	
Ewa Hekstra-Nowacka et al.	:	DECISION
Application No.: 12/161,674	:	
PCT Application No.: PCT/IB06/54240	:	ON PETITION
Int. Filing Date: 14 November 2006	:	
Priority Date: 23 November 2005	:	UNDER
Atty Docket No.: 004029US1	:	
For: A DATA PROCESSOR SYSTEM AND		37 CFR 1.137(b)
A METHOD FOR COMMUNICATION DATA	:	

Applicants' "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 21 July 2008 is **GRANTED**.

BACKGROUND

On 14 November 2006, applicants filed international application PCT/IB06/54240. The international application claims a priority date of 23 November 2005 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 23 May 2008. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 23 May 2008.

On 21 July 2008, applicants filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, an authorization to charge a deposit account for the requisite national stage fee as required by 35 U.S.C. 371(c)(1), and the petition fee as required by 37 CFR 1.17(m).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

The submission of the basic national fee satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). Applicants' statement in the petition that "The entire delay in filing the required reply from the due date for the required reply, until the filing of the grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date of 14 November 2006 under 35 U.S.C. 363. The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements (FORM PCT/DO/EO/905), which should indicate that an executed oath or declaration under 37 CFR 1.497 must be filed.

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UNITED STATES PATENT and TRADEMARK OFFICE

15 SEP 2008

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The Rafferty Patent Law Firm
5641 Burke Centre PKWY, Suite 100
BURKE, VA 22015-2259

In re Application of	:	DECISION ON
KIM et al	:	
Application No.: 12/161,691	:	
PCT No.: PCT/KR2006/000237	:	
Int. Filing Date: 20 January 2006	:	PETITION UNDER
Priority Date: N/A	:	
Attorney's Docket No.: P10120US	:	
For: OLIGONUCLEOTIDE FOR...	:	
USING THE OLIGONUCLEOTIDE	:	37 CFR 1.137(b)

This decision is in response to applicants' "PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION," filed on 22 July 2008, which is being treated as a petition under 37 CFR 1.137(b).

BACKGROUND

On 20 January 2006, this international application was filed.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 21 July 2008 (since the 20th of July fell on a Sunday). This international application became abandoned with respect to the United States at midnight on 21 July 2008 for failure to pay the required basic national fee.

On 22 July 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee and an executed declaration.

On 06 August 2008, applicants filed a supplemental statement to the petition to revive.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

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

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **22 July 2008.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/161,728	11/19/2008	Haruo Iwano	Q109347	4321

7590 06/28/2010
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

NOTIFICATION DATE	DELIVERY MODE
06/28/2010	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

- 4 JAN 2010

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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

In re Application of	:	
DAL PRA' et al.	:	
Application No.: 12/161,739	:	DECISION
PCT No.: PCT/IT2006/000037	:	
Int. Filing Date: 23 January 2006	:	
Priority Date: None	:	
Attorney's Docket No.: CAM3-PT138	:	
For: CONTROL DEVICE FOR A	:	
BICYCLE DERAILLEUR	:	

This decision is in response to applicants' "COMMUNICATION REGARDING PRIORITY AND 371 INDICATION" filed 12 August 2008, which has properly been treated as a petition under 37 CFR 1.182, and applicants' "REQUEST FOR CORRECTED FILING RECEIPT" filed 17 February 2009. The petition fee of $400 has been charged to Deposit Account 22-0493.

BACKGROUND

On 23 January 2006, applicants filed international application PCT/IT2006/000037, which designated the United States and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 26 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 July 2008.

On 22 July 2008, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter and an Application Data Sheet (ADS).

On 12 August 2008, applicants filed a "COMMUNICATION REGARDING PRIORITY AND 371 INDICATION" filed 12 August 2008, which has properly been treated as a petition under 37 CFR 1.182.

On 17 February 2009, applicants filed a "REQUEST FOR CORRECTED FILING RECEIPT."

DISCUSSION

The petition under 37 CFR 1.182 in essence requests that the application filed 22 July 2008 be converted from a filing under 35 U.S.C. 371 to a filing under 35 U.S.C. 111(a).

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such. The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.
>
> * * *
>
> If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111.

When filing the application electronically, applicant selected in the Graphical User Interface, the radio button "U.S. National Stage under 35 U.S.C. 371" rather than the radio button "Utility (Utility under 35 USC 111(a))". The Transmittal Letter (Form PTO-1390) filed on 22 July 2008 identifies the application as a 371 of international application number PCT/IT2006/000037. The ADS filed 22 July 2008 also identifies the application as a 371 of international application number PCT/IT2006/000037. There were no conflicting instructions in the application papers filed on 22 July 2009. Accordingly, the application was properly treated as a filing under 35 U.S.C. 371.

U.S. Statutes and Regulations do not make specific provision for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of 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. Here, no showing of cause has been made.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

For the reasons set forth above, the request for corrected filing receipt is **REFUSED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal

Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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

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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

MAILED

APR 29 2010

OFFICE OF PETITIONS

Applicant: Dal pra', et al.
Appl. No.: 12/161,739
International Filing Date: January 23, 2006
Title: CONTROL DEVICE FOR A BICYCLE DERAILLEUR
Attorney Docket No.: CAM3-PT138
Pub. No.: US 2009/0031846 A1
Pub. Date: February 5, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 31, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the priority data was printed incorrectly.

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 priority data being printed incorrectly is not an Office error. The application is a National Stage Application of the PCT under 35 U.S.C. 371 and it is not a Continuation application under 35 U.S.C. 111(a).[2]

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication** as it unnecessarily

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).
[2] See Petition Decision mailed January 4, 2010.

increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

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

15 SEP 2008

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Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 2004

In re Application of	:	DECISION ON
COOLS et al	:	
Application No.: 12/161,781	:	
PCT No.: PCT/US2007/001202	:	
Int. Filing Date: 17 January 2007	:	PETITION UNDER
Priority Date: 17 January 2006	:	
Attorney's Docket No.: 054824-5006	:	
For: Treatment of Inflammatory Disorders	:	
With Triazole Compunds	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERRNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 22 July 2008.

BACKGROUND

On 17 January 2007, this international application was filed, claiming an earliest priority date of 17 January 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 17 July 2008. This international application became abandoned with respect to the United States at midnight on 17 July 2008 for failure to pay the required basic national fee.

On 22 January 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

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

DECISION

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

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

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2 8 APR 2009

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WOODARD, EMHARDT, MORIARTY,
MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN 46204-5137

In re Application of	DECISION ON
Stefan FARWICK et al	
Application No.: 12/161,861	
PCT No.: PCT/EP2006/09544	
Int. Filing Date: 02 October 2006	PETITION UNDER
Priority Date: 23 January 2006	
Attorney's Docket No.: 8399-2	
For: METHOD FOR OBTAINING...	
OUT OF SAID METHOD	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 C.R.F. §1.47(a)" filed on 23 December 2008. The petition fee of $200.00 has been paid.

BACKGROUND

On 02 October 2006, petitioner filed international application PCT/EP2006/09544, which claimed priority to an earlier application filed 23 January 2006. The thirty-month (30) time period for paying the basic national fee in the United States of America expired at midnight on 23 July 2008.

On 23 July 2008, petitioner filed in the United States Patent & Trademark Office a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed oath or declaration accompanied the above papers.

On 14 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date" must be submitted within two months from its mailing date or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 23 July 2008, petitioner filed the present petition accompanied, inter alia, an executed Declaration.

DISCUSSION

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

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

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal

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

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

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

Regarding requirement (2), in this case, Mr. Ingo Strehlke, has not sufficiently demonstrated that a copy of the application papers were presented to the non-signing joint inventor, Ludger Overmann. It is unclear what documents were forwarded to Mr. Overmann because there is no specific statement referring to a copy of the application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP. 409.03(d) being sent to him for review and his signature from petitioner. Mr. Strehlke only generally refers to signature papers without specifically outlining what was mailed to the nonsigning inventor.

Although some documentary evidence to support this assertion has been provided such as the mail receipts but the document is in a foreign languages and no English translation has been provided of the letters. In addition, no cover letter of what was mailed and instructing Mr. Overmann has been provided

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

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

> Ludger OVERMANN
> Am Heikenbeg 25
> D-44534 Lunen
> Germany

Regarding item (4), petitioner has provided an executed declaration signed by Stefan FARWICK on his behalf and on the behalf of the nonsigning joint inventor Ludger OVERMANN.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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

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27 OCT 2009

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WOODARD, EMHARDT, MORIARTY,
MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN 46204-5137

In re Application of	:	DECISION ON RENEWED
Stefan FARWICK et al	:	
Application No.: 12/161,861	:	
PCT No.: PCT/EP2006/09544	:	
Int. Filing Date: 02 October 2006	:	PETITION UNDER
Priority Date: 23 January 2006	:	
Attorney's Docket No.: 8399-2	:	
For: METHOD FOR OBTAINING...	:	
OUT OF SAID METHOD	:	37 CFR 1.47(a)

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" submitted on 09 June 2009.

BACKGROUND

The decision by this Office dated 28 April 2009 indicated that requirement (2) had not been satisfied.

On 09 June 2009, petitioner filed this renewed petition accompanied, inter alia, an executed declaration by co-inventor Ludger Overmann.

DISCUSSION

The renewed petition has included an executed declaration signed by co-inventor Ludger Overmann. Petitioner states that during the intervening time between the filing of the original petition and the present, Mr. Overmann agreed to sign the declaration. The declaration is now signed by all the inventors.

Accordingly, the declaration submitted on 09 June 2009 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **09 June 2009.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

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2 1 OCT 2008

Ladas & Parry, LLP
26 West 61st Street
New York, NY 10023

In re Application of IZQUIERDO ROJO et al. U.S. Application No. 12/161,992 PCT No.: PCT/ES06/00702 Int. Filing Date: 22 December 2006 Priority Date: 23 December 2005 Attorney Docket No.: U 017410-0 For: SYNERGISTIC EFFECT BETWEEN A CYANOGENIC SYSTEM AND ANOTHER OXIDATIVE INDUCER FOR THE TREATMENT OF TUMOURS	:	DECISION ON PETITION

The petition to revive under 37 CFR 1.137(b) filed 24 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

Commissioner for Patents
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CST

March 24, 2009

In re application of Jianye Jiang et al Serial No. 12/162,047 Filed: July 24, 2008 For: FUEL CELL BIPOLAR PLATE, PROCESS FOR PRODUCING THE SAME, AND FUEL CELL INCLUDING THE BIPOLAR PLATE	:	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 January 8, 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 currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

24 FEB 2009

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

00279
TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 West Adams Street, Suite 3600
Chicago IL 60603

In re Application of
BURKE *et al*
U.S. Application No.: 12/162,050
PCT No.: PCT/AU2007/000148
Int. Filing Date: 14 February 2007
Priority Date: 14 February 2006
Attorney Docket No.: 198/47798/563-PCT-US
For: A REVERSIBLE, PERCUSSIVE, RAM-BORING MACHINE

DECISION ON PETITION UNDER 37 CFR 1.181

The papers filed 16 October 2008 are treated as a petition under 37 CFR 1.181 and hereby **GRANTED** as follows:

A Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) mailed 06 October 2008 requested an oath or declaration in compliance with 37 CFR 1.497(a) and (b), a large entity surcharge fee of $130.00 and additional claim fees (large entity) of $52.00.

In response, applicants state that the Form PCT/DO/EO/905 contains several errors and request that a corrected Form PCT/DO/EO/905 be issued. Specifically, applicants argue that they claimed small entity status on the Application Data Sheet (ADS) upon initial filing on 24 July 2008. A review of the subject application shows that applicants did request small entity status on the ADS. Moreover, applicants submitted the small entity fee upon entering the national stage using the USPTO EFS-Web system. As such, the Form PCT/DO/EO/905 mailed 06 October 2008 contains erroneous information regarding fees and is hereby **VACATED**.

This application is being forwarded to the DO/EO/US for further processing including mailing a corrected Form PCT/DO/EO/905.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

MAIL

JAN 07 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of: Ryuichi **OKAMOTO** et al.
Application No. ~~12/162,045~~ 12/162,054
Filed: July 24, 2008

For: **TERMINAL APPARATUS, SERVER APPARATUS, AND DIGITAL CONTENT DISTRIBUTION SYSTEM**

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

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

The petition is **GRANTED.**

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

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

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

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

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

(5) Applicant must submit a copy of the latest office actions (other than "Decision to Grant a Patent") from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

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

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

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

Telephone inquiries concerning this decision should be directed to Ricky Ngo 571-272-3139.

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

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

/Ricky Ngo/

Ricky Ngo
Supervisory Patent Examiner, Technology Center 2400
571-272-3139

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WOODARD, EMHARDT, MORIARTY,
MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SYITE 3700
INDIANAPOLIS, IN 46204-5137

MAILED
APR 29 2010
OFFICE OF PETITIONS

Applicants: James D. Fitzerald, et al.
Appl. No.: 12/162,070
International Filing Date: January 24, 2007
Title: METHOD OF INTERPOLATION BETWEEN A PLURALITY OF OBSERVED TENSORS
Attorney Docket: 010187-000002
Pub. No.: US 2009/0177402 A1
Pub. Date: July 9, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 9, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the claims submitted with the substitute specification filed with the application were not included in the publication.

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

The error noted by requestor with respect to the amendment is <u>not</u> an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the claims because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the claims as filed.

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

The substitute specification received on July 24, 2008 does not comply with 37 CFR 1.125, as the marked up copy has been omitted.

The claims submitted with the substitute specification on July 24, 2008 are not in accordance with 37 CFR 1.121.

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 September 9, 2009, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 30 2010

OFFICE OF PETITIONS

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Applicant: Neisser-Svae, et al.
Appl. No.: 12/162,107
International Filing Date: January 25, 2007
Title: PURIFICATION AND USE OF A FACTOR FOR SUPPORTING WOUND HEALING
Attorney Docket No.: 2141.0100000/PAJ/LMB
Pub. No.: US 2009/0221491 A1
Pub. Date: September 3, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on November 3, 2009, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

0 9 OCT 2008

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20350
TOWNSEND AND TOWNSEND AND CREW, L.L.P.
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

In re Application of BOSCHETTI *et al* U.S. Application No.: 12/162,125 PCT No.: PCT/US2006/010647 Int. Filing Date: 22 March 2006 Priority Date: 23 March 2005 Docket No.: 026693-019000US For: DIVERSE CHEMICAL LIBRARIES BOUND TO SMALL PARTICLES WITH PARAMAGNETIC PROPERTIES	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 24 July 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted in the international application pursuant to PCT Rule 4.17(iv).

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT W. BECKER & ASSOCIATES
707 HIGHWAY 333
SUITE B
TIJERAS NM 87059-7507

MAILED

MAY 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Gerd BECKMANN et al.	:	
Application No. 12/162,165	:	DECISION ON PETITION
Filed: August 19, 2008	:	
Attorney Docket No. **AZ55 7**	:	

This is a decision on the "petition to correct published document" filed February 03, 2009, that is being considered under 37 C.F.R. 1.121(a).

The petition is **DISMISSED**.

In regard to applicant's request, it is noted that errors in assignee information printed on the published patent application are not considered material mistakes by the Office under 37 C.F.R. 1.121(b). See MPEP § 1130. Thus, these assignment errors and applicant's failure to include assignment data may only be corrected if applicant files a request for republication under 37 C.F.R. 1.121(a). If the applicant would like the assignee data to be published, the information must be provided on the application transmittal letter or the application data sheet (ADS) filed with the application. Providing this information on the application transmittal letter or the application data sheet does not substitute for compliance with any requirement of 37 CFR Part 3 to have an assignment recorded by the Office. If the assignee data is recorded with the Assignment Division only, the information will not be published as a part of the patent application publication. See MPEP § 1130 – IV. For further assistance concerning published applications, the Office of Data Management – PGPUBS division may be contacted at 1-888-786-0101 or at (571)-272-4200.

Any question concerning this communication may be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Appl. No. 12/162,165
Dated: July 25, 2008
Petition dated: February 3, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify this correspondence is being electronically submitted to the United States Patent and Trademark Office on February 3, 2009.

MARY E. GURULE, LEGAL ASSISTANT

In the Application of Beckmann et al

Ser.No.: 12/162,165

Filing Date: July 25, 2008

For: METHOD AND APPARATUS FOR MIXING A GASEOUS FLUID WITH A LARGE GAS STREAM, EXPECIALLY FOR INTRODUCING A REDUCING AGENT INTO A FLUE GAS CONTAINING NITROGEN OXIDES

Art Unit: 1797

Examiner: N/A

Customer No: 30996

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

PETITION TO CORRECT PUBLISHED DOCUMENT

To Whom It May Concern:

An erroneous error has been made in the Publication of the referenced US Application, Publication Number US-2009-0022008, dated 1/22/2009. As you can see from the attached Notice of Recordation of Assignment, dated August 15, 2008 and the attached Corrected Filing Receipt dated December 4, 2008, the correct Assignee is:

FISIA BABCOCK ENVIRONMENT GMBH
FABRIKSTRASSE 1
D-51643 GUMMERSBACK
GERMANY

Please replace the incorrectly listed assignee (KABUSHIKI KAISHA TOSHIBA OF TOKOKIO, JAPAN) with the correct assignee FISIA BABCOCK ENVIRONMENT GMBH, FABRIKSTRASSE 1, D-51643 GUMMERSTRASSE 1, GERMANY.

In addition, applicants request a correction to the PCT number which currently reads as: PCT/EP07/00688 01/26/2007. Please replace to read as: PCT/EP2007/200688 01/26/2007 as it is listed in the Background of the Invention of the Preliminary Amendment, dated July 25, 2008.

If you have comments or concerns, or wish to discuss the merits of this Petition, the undersigned would very much welcome a telephone call to expedite the placement of this application into condition for allowance.

Respectfully submitted,

Robert W. Becker, Reg. 26,255
Attorney for Applicant(s)

ROBERT W. BECKER & ASSOCIATES
707 State Hwy 333, Ste. B
Tijeras, New Mexico 87059

Telephone: 505 286 3511
Telefax: 505 286 3524

RWB:meg
Attachments

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

500622251A

AUGUST 15, 2008

PTAS

ROBERT BECKER AND ASSOCIATES
707 STATE HWY 333, SUITE B
TIJERAS, NM 87059

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 08/15/2008

REEL/FRAME: 021395/0598
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
BECKMANN, GERD

DOC DATE: 08/08/2008

ASSIGNOR:
ENGELKING, WOLFRAM

DOC DATE: 08/08/2008

ASSIGNOR:
PRIESMEIER, ULRICH

DOC DATE: 08/08/2008

ASSIGNEE:
FISIA BABCOCK ENVIRONMENT GMBH
FABRIKSTRASSE 1
GUMMERSBACH, GERMANY D-51643

SERIAL NUMBER: 12162165 FILING DATE:
PATENT NUMBER: ISSUE DATE:
TITLE: METHOD AND APPARATUS FOR MIXING A GASEOUS FLUID WITH A LARGE GAS STREAM, ESPECIALLY FOR INTRODUCING A REDUCING AGENT INTO A FLUE GAS CONTAINING NITROGEN OXIDES

ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

UNITED STATES PATENT AND TRADEMARK OFFICE

2 3 FEB 2009

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

H.B. FULLER COMPANY
Patent Department
1200 WILLOW LAKE BLVD.
P.O. BOX 64683
ST. PAUL MN 55164-0683

In re Application of PROBSTER et al.	:
Application No.: 12/162,203	: DECISION ON PETITION
PCT No.: PCT/EP06/12163	:
Int. Filing: 18 December 2006	: UNDER 37 CFR 1.47(a)
Priority Date: 26 January 2006	:
Attorney Docket No.: DR-011-US-WO	:
For: USE OF POLYSULPHIDE CONTAINING TWO COMPONENTS ADHESIVES FOR THE PRODUCTION OF WINDOWS	:

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 03 December 2008, to accept the application without the signature of the joint inventor.

BACKGROUND

On 25 July 2008, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 03 October 2008, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 03 December 2008, applicant filed the instant petition along with a declaration. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor MARION LANG, alleging that Mr. LANG refused to sign the application.

DISCUSSION

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

The petition included the requisite petition fee, satisfying Item (1). Item (3) is satisfied because the last known address of non-signing inventor was provided.

With regard to item (4), the declaration submitted on 03 December 2008 is actually a four

page declaration. However, the declaration is comprised of five pages. There are two pages identified as "Page 3" and "Page 4" which are identical but which 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. The declaration submitted was executed by two of the available joint inventors on their behalf and on behalf of the non-signing inventor. The declaration as executed does not satisfy Item (4).

Inventor's Refusal to Sign

With respect to Item (2) above, the first hand statement of Julie Post, paralegal for applicant, indicated that she contacted the nonsigning inventor's last known employer and confirmed his last known address. On 14 October 2008, Ms. Post sent a copy of the PCT publication along with a combined declaration and power of attorney for his signature. Again on 21 November 2008, she sent a copy of the pertinent documents. The confirmation of the Federal Express shipment indicated delivery to a receptionist/front desk. This does not demonstrate that Mr. Lang received the documents and by his conduct, refuses to sign the application papers. Petitioner did not give any evidence of further attempts to contact the nonsigning inventor via an email or telephone to confirm delivery and request his signature. Such presentation of the complete copy of the application is required. See Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal. [1]

Here, applicant has provided a firsthand statement, accompanied by supporting documents, demonstrating that a request for signature (accompanied by a copy of the complete application) has been forwarded to the non-signing inventor at his last known address, and that

---

[1] A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.
(Emphasis added.)

the inventor has failed to provide the requested signature in response to such request. However, where, as here, applicants are asking that the silence of a non-signing inventor be interpreted as a refusal to sign, it is especially important that the petition shows that a complete set of application papers were mailed to a valid mailing address and received by the non-signing inventor. In the present petition, the evidence that the non-signing inventor has received the signature request is a copy of a return receipt in the German language; no translation of this return receipt has been provided. Applicants must provide an English translation of this return receipt before it can be concluded that the non-signing inventor has signed for receipt of the signature request, as required before the inventor's failure to respond to such request can be interpreted as a refusal to sign.

From the evidence presented one cannot conclude that Mr. Lang refuses to sign the application papers. The action taken by petitioner is not sufficient to prove that Mr. Lang refuses to sign the application papers.

In sum, Petitioner has satisfied Items (1) and (3). A new declaration, in compliance with 37 CFR 1.497(a) and (b) is required to satisfy Item (4).

Petitioner has not satisfied Item (2) by demonstrating: (1) a *bona fide* attempt was made to present a copy of the application papers for U.S. application 12/162,203 (specification, including claims, drawings, and declaration) to the nonsigning inventor for his signature and Mr. Lang's refusal to sign, either in writing or by telephone, these documents.

As set forth above, Items (2) and (4) are not yet satisfied. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

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

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 6 JUL 2009

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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H.B. FULLER COMPANY
Patent Department
1200 WILLOW LAKE BLVD.
P.O. BOX 64683
ST. PAUL MN 55164-0683

In re Application of PROBSTER et al.	:
Application No.: 12/162,203	: DECISION ON PETITION
PCT No.: PCT/EP06/12163	:
Int. Filing: 18 December 2006	: UNDER 37 CFR 1.47(a)
Priority Date: 26 January 2006	:
Attorney Docket No.: DR-011-US-WO	:
For: USE OF POLYSULPHIDE CONTAIN-	:
ING TWO COMPONENTS ADHESIVES FOR	:
THE PRODUCTION OF WINDOWS	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 08 May 2009 along with the declaration executed by previously non-signing inventor. Applicant's request for a one month extension of time is granted.

BACKGROUND

On 03 December 2008, applicant filed a petition along with a declaration. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor MARION LANG, alleging that Mr. LANG refused to sign the application.

On 08 May 2009, a decision dismissing the petition was mailed to applicant.

DISCUSSION

Regarding the previously non-signing inventor, Petitioner has now provided a declaration executed by Mario Lang. The petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted. A review of the declarations submitted reveals that they are in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

CONCLUSION

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

The declarations executed by the inventors and submitted on 08 May 2009, are in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 08 May 2009.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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30 JUL 2008

GENERAL ELECTRIC COMPANY
GLOBAL PATENT OPERATION
187 DANBURY ROAD, SUITE 204
WILTON, CT 06897-4122

In re Application of FELDMANN	:	
U.S. Application No.: 12/162,228	:	
PCT Application No.: PCT/US2006/049258	:	DECISION
Int. Filing Date: 22 December 2006	:	
Priority Date Claimed: 22 December 2005	:	
Attorney Docket No.: 228735-7	:	
For: CONTROLLABLE DROGUE	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 25 July 2008.

BACKGROUND

On 22 December 2006, applicant filed international application PCT/US2006/049258, which claimed priority of an earlier United States application filed 22 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 22 June 2008.

On 23 June 2008, international application PCT/US2006/049258 became abandoned as to the United States for failure to timely pay the basic national fee.

On 25 July 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

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

With regard to item (3), applicant has provided the required statement.

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

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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JUN 16 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Jae Y. Park
P.O. Box 1364
Fairfax VA 22038-1364

In re Application of	:	
KIM, IL-GYU et al	:	DECISION ON REQUEST TO
Application No. 12/162,237	:	PARTICIPATE IN PATENT
Filed: July 25, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **YOM-0521**	:	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 13, 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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05 JUN 2009

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

In re Application of PANULA et al	:	
U.S. Application No.: 12/162,238	:	
PCT Application No.: PCT/FI2007/050040	:	
Int. Filing Date: 26 January 2007	:	DECISION
Priority Date Claimed: 27 January 2006	:	
Attorney Docket No.: 9943-10US (2061909US)	:	
For: PIPE AND SYSTEM FOR UTILIZING LOW-	:	
ENERGY	:	

This is in response to applicant's request for refund filed 08 January 2009, which is being treated under 37 CFR 1.26.

BACKGROUND

On 26 January 2007, applicant filed international application PCT/FI2007/050040, which claimed priority of an earlier Finland application filed 27 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 02 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 27 July 2008.

On 25 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 January 2009, applicant filed the present request for refund under 37 CFR 1.26.

DISCUSSION

Applicant seeks a refund of fees in the amount of $185.00, which were charged on 18 December 2008 due the presence of multiple dependent claims.

37 CFR 1.26(a) allows the Director to refund fees paid by mistake or in excess of that required.

MPEP 1893.01(c) states in relevant part,

> A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that cancels claims and/or eliminates multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f). A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid. See MPEP § 607 and § 608. (Emphasis added.)

In the present case, the preliminary amendment which eliminated the multiple dependent claims was not filed until after the fee for the presence of multiple dependent claims was paid. The fee was neither paid by mistake nor in excess of that required at the time of payment. Thus, in accordance with MPEP 1893.01(c) and 37 CFR 1.26(a), applicant is not entitled to a refund of such fee.

CONCLUSION

For the reasons above, the request for refund under 37 CFR 1.26 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision.

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

Bryan Lin

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29 JUL 2008

J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE CA 92618

In re Application of CHEN Application No.: 12/162,303 PCT No.: PCT/CN06/02501 Int. Filing: 22 September 2006 Priority Date: 27 December 2005 Attorney Docket No.: LPTF14 For: AN ATOMIC BEAM OPTICAL FREQUENCY ATOMIC CLOCK AND A PRODUCING METHOD THEREOF	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 25 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that the basic national fee of $155 has now been provided. The required petition fee of $770 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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0 2 NOV 2009

Brinks, Hofer, Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

In re Application of	:	
FORSYTH	:	
U.S. Application No.: 12/162,317	:	DECISION ON PETITION
PCT No.: PCT/AU2007/000059	:	
Int. Filing Date: 23 January 2007	:	UNDER 37 CFR 1.182
Priority Date: 25 January 2006	:	
Attorney's Docket No.: 13106/8	:	
For: ACTIVE RECONFIGURABLE STRETCH	:	
FORMING	:	

This decision is in response to applicant's "PETITION UNDER 37 C.F.R. 1.182" filed 29 September 2009 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 23 January 2007, applicant filed international application PCT/AU2007/000059, which claimed priority of an earlier application filed 25 January 2006. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 02 August 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 25 July 2008.

On 25 July 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement and a preliminary amendment.

On 30 April 2009, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 30 June 2009, applicant responded with an executed declaration of the inventor.

On 31 August 2009, applicant was mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) indicating that the inventor's name was different on the declaration than the name on the published international application. Applicant was afforded one month to file a proper reply.

On 29 September 2009, applicant filed the present petition indicating that the inventor intended to change his name on the present national stage application from the name listed on the published international application (Ross Forsyth) to the name listed on the declaration filed 30 June 2009 (Anthony Ross Forsyth).

DISCUSSION

The present petition is accompanied by a declaration setting forth the procedure whereby the change of name was effected; specifically the inventor seeks the use of his complete name. The declaration is executed by Mr. Forsyth detailing and executed using both names. As such, it is appropriate to grant applicant's petition at this time. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have now been satisfied.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Ross Forsyth to Anthony Ross Forsyth is **GRANTED**.

The application has an international filing date of 23 January 2007 under 35 U.S.C. 363 and will be given a date of **30 June 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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29 JUL 2008

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WASHINGTON, DC 20001-5303

In re Application of KATSUURA et al	:	
U.S. Application No.: 12/162,338	:	
PCT Application No.: PCT/IL2007/000069	:	
Int. Filing Date: 18 January 2007	:	DECISION
Priority Date Claimed: 18 January 2006	:	
Attorney Docket No.: KATSUURA2A	:	
For: OPTICAL DATA CARRIER AND METHOD	:	
FOR READING/RECORDING DATA THEREIN	:	

This is in response to applicant's "Petition to Revive Under 37 C.F.R. §1.137(a)" filed 25 July 2008, which is being treated under 37 CFR 1.137(b).

BACKGROUND

On 18 January 2007, applicant filed international application PCT/IL2007/000069, which claimed priority of an earlier United States application filed 18 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 26 July 2007. The thirty-month period for paying the basic national fee in the United States expired on 18 July 2008.

On 19 July 2008, international application PCT/IL2007/000069 became abandoned as to the United States for failure to timely pay the basic national fee.

On 25 July 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), the petition states that "the entire delay in filing the papers necessary to perfect the completion of entry into the U.S. national phase of this case from the due date for entry into the U.S. national phase (July 18, 2008) until the filing of this grantable petition, was unintentional." This statement is interpreted as 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 under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

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Hunton & William LLP
Intellectual Property Department
1900 K street N.W. Suite 1200
Washington, D.C. 2006-1109

In re Application of	:	DECISION ON
DESTARAC et al	:	
Application No.: 12/162,341	:	
PCT No.: PCT/EP07/050704	:	
Int. Filing Date: 24 January 2007	:	PETITION UNDER
Priority Date: 26 January 2006	:	
Attorney's Docket No.: 60838.000810	:	
For: PROCESS FOR PREPARING...	:	
IODINE TRANSFER POLYMERIZATION	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition Under 37 CFR 1.137(b) to Revive Unintentionally Abandoned Application," filed on 30 October 2008, and 31 October 2008.

BACKGROUND

On 24 January 2007, this international application was filed, claiming an earliest priority date of 26 January 2006.

On 25 July 2008, applicants filed the Transmittal letter for entry into the national stage in the United States. However, no basic national fee and executed declaration were filed at such time.

On 03 October 2008, the USPTO mailed applicant Notification of Abandonment (Form PCT/DO/EO/909) indicating the application was abandoned because applicant failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)) .

On 30 and 31 October 2008, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, accompanied by, *inter alia*, the basic national fee and the petition fee for revival of an unintentionally abandoned application.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a

grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

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

DECISION

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

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

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LOS ANGELES CA 90012

In re Application of	:	
Balonick et al.	:	
Application No.: 12/162,346	:	DECISION
PCT No.: PCT/US2007/002713	:	
Int. Filing Date: 31 January 2007	:	ON
Priority Date: 02 February 2006	:	
Attorney Docket No.: 22446.02US	:	PETITION
For: Pressure Reduction Healthcare Mattress System	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 25 July 2008.

BACKGROUND

This international application was filed on 31 January 2007, claimed an earlier priority date of 02 February 2006, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 02 August 2008. Applicants filed *inter alia* the basic national fee on 25 July 2008.

DISCUSSION

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

Regarding **requirement (1)**, the $200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner indicates that joint inventor Curtis Wyatt has refused to execute the instant application, and provides copies of relevant email communications in support of this position. Inspection of this evidence suggests that petitioner sent a copy of the application papers and a declaration to Mr. Wyatt via email. In response, petitioner received email communication from Alan Kagen of Nixon & Vanderhye who indicated that he was representing Mr. Wyatt. Atty. Kagen forwarded petitioner's email back to petitioner, making it clear that Mr. Wyatt in fact did receive petitioner's email. Petitioner also specifically requested clarification on the point of whether Mr. Wyatt refused to execute the declaration, and Atty. Kagen responded in the affirmative. On the basis of the present record, it would be appropriate to conclude that Mr. Wyatt has refused to execute the declaration within the meaning of 37 CFR 1.47(a). Requirement (2) has been satisfied.

Regarding **requirement (3)**, the petition includes a statement of the last known address of the non-signing inventor.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 25 July 2008 reveals that it is satisfactory for purposes of compliance with requirement (4).

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

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

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

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **25 July 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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Curtis Wyatt
1691 N. Delilah Street
Corona, CA 92879

In re Application of
Balonick et al.
Application No.: 12/162,346
PCT No.: PCT/US2007/002713
Int. Filing Date: 31 January 2007
Priority Date: 02 February 2006
Attorney Docket No.: 22446.02US
For: Pressure Reduction Healthcare Mattress System

Dear Mr. Wyatt:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

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

/George Dombroske/
George Dombroske
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cc: YING CHEN
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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Curtis WYATT) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/US2007/002713 and was filed on January 31, 2007 in the names of Arnold BALONICK and Curtis WYATT for the invention entitled PRESSURE REDUCTION HEALTHCARE MATTRESS SYSTEM. The national stage application number is 12/162,346 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of July 25, 2008.

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LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

In re Application of	:	
Kanakarajan et al.	:	
Application No.: 12/162,406	:	DECISION
PCT No.: PCT/US2007/005461	:	
Int. Filing Date: 01 March 2007	:	ON
Priority Date: 31 March 2006	:	
Attorney Docket No.: HP0100 US PCT	:	PETITION
For: Polyimide Based Compositions Useful In High Frequency Circuitry Applications And Methods...	:	

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

BACKGROUND

This international application was filed on 01 March 2007, claimed an earliest priority date of 31 March 2006, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 30 September 2008. Applicants filed *inter alia* the basic national fee on 28 July 2008.

DISCUSSION

Petitioner alleges that non-signing inventor Dr. Gary Min is not available to execute the application, within the meaning of 37 CFR 1.47(a). A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the $200.00 petition fee is being charged to Deposit Account 04-1930, as authorized by petitioner.

Regarding **requirement (2)**, petitioner has shown neither that Dr. Min "could not be found or reached after diligent effort," nor that he has refused to execute the application after being presented with a complete copy of the application papers and an oath or declaration for his signature. Rather, petitioner argues that

> Dr. Min has pled guilty to stealing 400 million dollars worth of DuPont's technology and is facing 10 years of prison. Under such circumstances, Dr. Min effectively "cannot be reached", at least for purposes of 37 CFR 1.47(a). Since Dr. Min has assigned all rights to this invention to DuPont, his formal signature is a mere formality, nothing more. The regulation was not intended to compel

imprudent interaction between a felon and a felon's victim, merely to address an informality of arguably no significance. Clearly Dr. Min "cannot be reached" within the intent and meaning of 37 CFR 1.47(a).

In support of this view, petitioner refers to Case No. C2-06-cv-118 in the Southern District of Ohio, Eastern Division. Petitioner also appears to quote an Associated Press article dated on or about 15 February 2007. However, petitioner has not provided copies of the relevant primary documents. Petitioner also refers to a decision rendered in another application. Due to the elapse of time since that decision was rendered, the facts of the cases are not equivalent. Rather, the facts that presently obtain suggest that it now would be possible to ascertain the whereabouts of the non-signing inventor, and/or to attempt to obtain his execution of the application. *See* MPEP 409.03(d). Therefore, petitioner has not adequately demonstrated facts sufficient to satisfy requirement (2) at this time.

Regarding **requirement (3)**, the petition does not include an explicit statement of the last known addresses of the non-signing inventor; as such, requirement (3) has not been satisfied.

Regarding **requirement (4)**, the declaration filed on 28 July 2008 is suitable.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

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

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

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

1 JUN 2009

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WILMINGTON DE 19805

In re Application of	:	
Kanakarajan et al.	:	
Application No.: 12/162,406	:	DECISION
PCT No.: PCT/US2007/005461	:	
Int. Filing Date: 01 March 2007	:	ON
Priority Date: 31 March 2006	:	
Attorney Docket No.: HP0100 US PCT	:	PETITION
For: Polyimide Based Compositions Useful In High Frequency Circuitry Applications And Methods...	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 24 March 2009.

DISCUSSION

In a Decision mailed on 03 February 2009, the petition under 37 CFR 1.47(a) filed on 28 July 2008 was dismissed, without prejudice, because petitioner had not adequately demonstrated that Dr. Min "could not be found or reached after diligent effort," nor that he has refused to execute the application after being presented with a complete copy of the application papers and an oath or declaration for his signature, and because the petition did not include an explicit statement of his last known address.

In response, petitioner has provided a declaration document signed by Gary Min. It is noted that the declaration filed on 24 March 2009 does not provide, *inter alia*, the citizenship of Karthikeyan Kanakarajan. However, MPEP 602.02 explains in part that "Where neither the original oath or declaration, nor the substitute oath or declaration is complete in itself, but each oath or declaration names all of the inventors and the two taken together give all the required data, no further oath or declaration is needed." Taken together with the declaration filed on 28 July 2008, the newly filed declaration satisfies the requirements of 37 CFR 1.497(a) and (b).

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **24 March 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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16 SEP 2008

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Morgan & Finnegan, LLP
3 World Financial Center- 20th, 21st Floors
New York, New York 10281-2101

In re Application of	:	DECISION ON
Mika TARVONEN et al	:	
Application No.: 12/162,451	:	
PCT No.: PCT/IB2006/050614	:	
Int. Filing Date: 28 February 2006	:	PETITION UNDER
Priority Date: 03 June 2005	:	
Attorney's Docket No.: 4208-4261US2	:	
For: HEADSET WITH ADJUSTABLE BOOM	:	37 CFR 1.137(b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 28 July 2008.

BACKGROUND

On 28 February 2006, this international application was filed, claiming an earliest priority date of 3 June 2005.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 03 December 2007. This international application became abandoned with respect to the United States at midnight on 03 December 2007 for failure to pay the required basic national fee.

On 28 July 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

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

DECISION

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

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

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

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4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/26/2010

Applicant	: Takuya Konno	: DECISION ON REQUEST FOR
Patent Number	: 7648730	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/162,509	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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MORGAN, LEWIS & BOCKIUS, LLP. (PA)
2 PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 700
PALO ALTO, CA 94306

Mail Date: 04/21/2010

Applicant	: Simon Fleming	: DECISION ON REQUEST FOR
Patent Number	: 7663123	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/162,591	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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Date : 4/23/2010
Patent No. : 7,663,123 B2
Serial No. : 12/162,591
Inventor(s) : Fleming et al.
Issued : February 16, 2010
Title : **FIBRE OPTIC DOSIMETER**
Docket No. : **060898-5002US**

Re: Request for Reconsideration

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 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 Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile

number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	571-273-8300 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A certificate of correction will be issued to correct the remaining error.

Ernest C. White, *LIE*
For Mary F. Diggs (703) 756-1580
Decisions & Certificates
of Correction Branch
(703) **756-1590**

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ecw

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WILMINGTON DE 19805

In re Application of	DECISION ON
YU HSAIN et al	
Application No.: 12/162,611	
PCT No.: PCT/US2007/04837	
Int. Filing Date: 22 February 2007	PETITION UNDER
Priority Date: 22 February 2006	
Attorney's Docket No.: HP0132 US PCT	
For: A HALOGEN-FREE PHOSPHOROUS	
EPOXY RESIN COMPOSITION	UNDER 37 CFR 1.47(a)

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

BACKGROUND

This international application was filed on 22 February 2007, claimed an earliest priority date of 22 February 2006, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 22 August 2008. Applicants filed *inter alia* the basic national fee on 30 July 2008.

DISCUSSION

Petitioner alleges that non-signing inventor Dr. Min is not available to execute the application, within the meaning of 37 CFR 1.47(a). A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the $200.00 petition fee is being charged to Deposit Account 04-1928, as authorized by petitioner.

Regarding **requirement (2)**, petitioner has shown neither that Dr. Min "could not be found or reached after diligent effort," nor that he has refused to execute the application afterbeing presented with a complete copy of the application papers and an oath or declaration for his signature.

Rather, petitioner argues that Dr. Min has pled guilty to stealing 400 million dollars worth of DuPont's technology trade secrets and is facing 10 years of prison. Under such circumstances, Dr. Min effectively "cannot be reached", at least for purposes of 37 CFR 1.47(a). Since Dr. Min has assigned all rights to this invention to DuPont, his formal signature is a mere formality, nothing more. The regulation was not intended to compel imprudent interaction between a felon and a felon's victim, merely to address an informality of arguably no significance. Clearly Dr. Min "cannot be reached" within the intent and meaning of 37 CFR 1.47(a).

In support of this view, petitioner refers to Case No. C2-06-cv-118 in the Southern District of Ohio, Eastern Division. Petitioner also appears to quote an Associated Press article dated on or about 15 February 2007. However, petitioner has not provided copies of the relevant primary documents. Petitioner also refers to a decision rendered in another application. Due to the elapse of time since that decision was rendered, the facts of the cases are not equivalent. Rather, the facts that presently obtain suggest that it now would be possible to ascertain the whereabouts of the non-signing inventor, and/or to attempt to obtain his execution of the application. *See* MPEP 409.03(d). Therefore, petitioner has not adequately demonstrated facts sufficient to satisfy requirement (2) at this time.

Regarding **requirement (3)**, the petition does not include an explicit statement of the last known addresses of the non-signing inventor; as such, requirement (3) has not been satisfied.

Regarding **requirement (4)**, the declaration filed on 28 July 2008 is suitable.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

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

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

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PCT Legal Office
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In re Application of	DECISION ON
YU HSAIN et al	
Application No.: 12/162,611	
PCT No.: PCT/US2007/04837	
Int. Filing Date: 22 February 2007	PETITION UNDER
Priority Date: 22 February 2006	
Attorney's Docket No.: HP0132 US PCT	
For: A HALOGEN-FREE PHOSPHOROUS	
EPOXY RESIN COMPOSITION	UNDER 37 CFR 1.47(a)

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" submitted on 08 April 2009.

BACKGROUND

The decision by this Office dated 06 February 2009 indicated that requirement (2) had not been satisfied.

On 08 April 2009, petitioner filed this renewed petition accompanied, inter alia, an executed declaration by inventor Dr. Gary Min.

DISCUSSION

The renewed petition has included an executed declaration by Dr. Min. The declaration is now signed by all the inventors.

Accordingly, the declaration submitted on 08 April 2009 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **08 April 2009.**

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MAR 2 3 2010

CANTOR COLBURN, LLP
20 Church Street
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Hartford CT 06103

In re Application of	:	
David J. WINSNESS	:	DECISION ON PETITION
Application No. 12/162,708	:	TO MAKE SPECIAL UNDER
Filed: July 30, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1355D-001(GCS-0009US2)	:	PILOT PROGRAM.

This is a decision on the petition under 37 CFR 1.102, filed March 12, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **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.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 700/239.000) 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.

In regard to item 5, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

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 Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3651 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606-6357

In re Application of	:	
JÜRGENS et al.	:	
Application No.: 12/162,713	:	DECISION ON
PCT No.: PCT/DE07/00182	:	
Int. Filing Date: 30 January 2007	:	PETITION UNDER
Priority Date: 30 January 2006	:	
Attorney Docket No.: 30931/L50287	:	37 CFR 1.182
For: PROCESS FOR CONDUCTING CLEANING	:	
OPERATIONS IN A FLUID-RECEIVING	:	
DEVICE OF A FOODSTUFF-PROCESSING....	:	

This is a decision on applicant's Response to Notification of Defective Response treated as a petition under 37 CFR 1.182, to change the name of inventor filed in the United States Patent and Trademark Office (USPTO) on 06 May 2009.

BACKGROUND

On 20 October 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) along with the surcharge for filing the oath or declaration after the thirty month period, was required.

On 17 December 2008, applicant filed a response to the Notification along with six executed declarations.

On 14 April 2009, a Notification of Defective Response was mailed to applicant asking for clarification as Judith Imgram was listed on the published international application but Judith Kling executed the declaration.

On 06 May 2009, applicant filed the instant response indicating the Judith Imgram changed her name to Judith Kling as a result of marriage.

DISCUSSION

In effect, Applicant requests that the application reflect joint inventor Judith Imgram's name change to Judith Kling due to her marriage. Such a correction of inventorship requires a petition under 37 CFR 1.182. "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*. (Emphasis added.) *See* MPEP Section 605.04(c) Inventor Changes Name. The $400 petition fee has been charged to applicant's deposit account per his authorization. However, a statement of the inventor, setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order was not provided as required. The declaration submitted on 06 May 2009 is unacceptable at this time.

It is noted that it does not appear that applicant filed a request under PCT Rule 92*bis* to change the name of the inventor as no Notification of the Recording of a Change (Form PCT/IB/306) has been submitted by applicant which indicates that the name change was accepted.

CONCLUSION

For the reasons, set forth above, the declaration of inventors submitted by applicants on 06 May 2009 is unacceptable at this time.

The application will be held in the PCT Legal Office to await applicant's further reply.

Applicant must respond within **ONE (1) MONTH** from the mail date of this decision.

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

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

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233 SOUTH WACKER DRIVE
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CHICAGO IL 60606-6357

In re Application of	:	
JÜRGENS et al.	:	
Application No.: 12/162,713	:	DECISION ON
PCT No.: PCT/DE07/00182	:	
Int. Filing Date: 30 January 2007	:	PETITION UNDER
Priority Date: 30 January 2006	:	
Attorney Docket No.: 30931/L50287	:	37 CFR 1.182
For: PROCESS FOR CONDUCTING CLEANING	:	
OPERATIONS IN A FLUID-RECEIVING	:	
DEVICE OF A FOODSTUFF-PROCESSING....	:	

This is a decision on applicant's "Response to Decision on Petition under 37 CFR 1.182" filed on 06 August 2009 in the United States Patent and Trademark Office.

Applicant submits declaration by the inventor Judith Imgram indicating that her name changed to Judith Kling due to her marriage. This correction will appear in the USPTO records and appear on the patent as **Judith Kling**.

The petition under 37 CFR 1.182 to change the respective inventor's name to Judith Kling is **GRANTED**. The USPTO records will reflect this correction.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

2 5 SEP 2008

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

Zimmer Technology
BAKER & DANIELS
111 East Wayne Street
Suite 800
Fort Wayne, IN 46802

In re Application of	:	
Seebeck et al.	:	
Application No.: 12/162,729	:	DECISION ON
PCT No.: PCT/EP2006/68318	:	
Int. Filing Date: 09 November 2006	:	PETITION UNDER
Priority Date: 09 November 2005	:	
Attorney Docket No.: ZIM0707	:	37 CFR 1.137(b)
For: IMPLANT	:	

This decision is in response to applicant's Petition for Revival of an International Application for a Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) filed 30 July 2008. The required $1540.00 petition fee has been paid.

BACKGROUND

On 09 November 2006, applicant filed international application PCT/EP2006/68318 that designated the U.S. and claimed a priority date of 09 November 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 18 May 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 May 2008.

On 30 July 2008, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, a Petition for Revival of an International Application for a Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b), and an English translation of the international application as filed. On 26 August 2008, applicant filed a Declaration of Inventorship.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;

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

As to item (1), Deposit Account 02-0385 was charged for the basic national fee on 31 July 2008.

As to item (2), Deposit Account 02-0385 was charged for the petition fee on 31 July 2008.

As to item (3), applicant provided the required statement on 30 July 2008.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventorship

The surcharge under 37 CFR 1.492(h) of $130 for filing the Declaration after the date of commencement of the national stage was charged to Deposit Account 02-0385 on 26 August 2008. The Declaration provided 26 August 2008 contains unauthorized alterations (see MPEP 602.01).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring a corrected oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

Susan C. Wolski
PCT Special Programs Examiner
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3304

Leonard Smith
Supervisory PCT Legal Examiner
Office of Patent Cooperation Treaty
Legal Administration
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GIBSON & DERNIER L.L.P.
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE NJ 07095

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Oliver SCULTZ-WITTMANN et al.	:	
Application No. 12/162,755	:	DECISION ON PETITION
Filed: October 06, 2008	:	
Attorney Docket No. 560/38	:	

This is a decision on the petition under 37 CFR 1.182, filed, April 17, 2009, to change the name of inventor "Oliver Schultz" to – "Oliver Schultz-Wittmann" --.

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 Michelle R. Eason at (571) 272-4231. 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 1795 for examination in due course.

Thurman Page
Petitions Office
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
12/162,755	10/06/2008	1795	1060	560/38	20	2

CONFIRMATION NO. 4429

CORRECTED FILING RECEIPT

OC000000036594795

27538
GIBSON & DERNIER L.L.P.
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE, NJ 07095

Date Mailed: 06/22/2009

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)

Oliver Schultz-Wittmann, Sunnyvale, CA;
Marc Hofmann, March, GERMANY;

Assignment For Published Patent Application

FRAUNHOFER-GESELLSCHAFT ZUR FORDERUNG DER ANGEWANDTEN FORSCHUNG E.V., MUENCHEN, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 27538

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP2007/001325 02/15/2007

Foreign Applications

GERMANY 102006007797.0 02/20/2006

If Required, Foreign Filing License Granted: 10/27/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/162,755**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Semiconductor Component And Method For Producing It and Use for It

Preliminary Class

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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).

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

CST

March 18, 2009

In re application of	:	DECISION ON REQUEST TO
Ahmet Selcuk	:	PARTICIPATE IN PATENT
Serial No. 12/162,784	:	PROSECUTION HIGHWAY
Filed: July 30, 2008	:	PILOT PROGRAM AND
For: FUEL CELL	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special, filed January 2, 2009.

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, note where the UKIPO 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 UKIPO application with similar claims and the UKIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the UKIPO 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 UKIPO 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 UKIPO 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 UKIPO application is a first action allowance then no office action from the UKIPO 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 UKIPO 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 UKIPO examiner in the UKIPO 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:

(3) All of 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).

Specifically, independent claims 41, 67, 80 and 81 of the present application recite the limitation (ii) that "the electrically conductive current collector is in electrical contact with said second electrode", whereas independent claims 1 and 3 of the UKIPO application specifically require that the electrical conductive current collector is in electrical contact with said second electrode AND "joined to or mounted on or in said second electrode".

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

April 29, 2009

In re application of	:	DECISION ON REQUEST TO
Ahmet Selcuk	:	PARTICIPATE IN PATENT
Serial No. 12/162,784	:	PROSECUTION HIGHWAY
Filed: July 30, 2008	:	PILOT PROGRAM AND
For: FUEL CELL	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed April 10, 2009.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO, note where the UKIPO 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 UKIPO application with similar claims and the UKIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the UKIPO 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 UKIPO 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 UKIPO 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 UKIPO application is a first action allowance then no office action from the UKIPO 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 UKIPO 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 UKIPO examiner in the UKIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

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

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

The application is currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

2 6 OCT 2009

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

In re Application of	:	DECISION
MARTIN et al.	:	
Application No.: 12/162,799	:	
PCT No.: PCT/EP2007/050983	:	
Int. Filing Date: 01 February 2007	:	
Priority Date: 01 February 2006	:	
Attorney Docket No.: 13777-00073	:	
For: NOVEL SILANE COMPOUNDS . . .	:	
SUPPORTS	:	

This decision is in response to applicants' petition under 37 CFR 1.181 filed in the United States Patent and Trademark Office (USPTO) on 16 April 2009.

BACKGROUND

On 01 February 2007, applicant filed international application PCT/EP2007/050983 which designated the US and claimed a priority date of 01 February 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 09 August 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 August 2008.

On 31 July 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 12 August 2008, applicants filed a submission including a copy of a declaration of inventors.

On 23 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 31 July 2008 and a 35 U.S.C. 371 date of 12 August 2008.

DISCUSSION

The declaration of inventors filed 12 August 2008 is in compliance with 37 CFR 1.497(a)-(b). The NOTICE OF ACCEPTANCE OF APPLICATION mailed 23 September 2008 contained the incorrect international 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date. Thus, the NOTICE OF ACCEPTANCE is hereby VACATED.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTICE OF ACCEPTANCE mailed 23 September 2008 is **VACATED**.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for (1) mailing of a corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating both the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and the 35 U.S.C. 371 dates as **12 August 2008**.

/Daniel Stemmer/

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

14 MAY 2009

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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IP GROUP OF DLA PIPER US LLP
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

In re Application of	:	
Hoeschen et al.	:	
Application No.: 12/162,806	:	
PCT No.: PCT/EP2007/001124	:	
Int. Filing Date: 09 February 2007	:	DECISION
Priority Date: 10 February 2006	:	
Attorney Docket No.: BEZ-08-1264	:	
For: Scattered Radiation Correction Of Detector	:	
Signals For Projection-Based Imaging	:	

This is in response to the request filed on 28 October 2008.

BACKGROUND

This international application was filed on 09 February 2007, claimed an earlier priority date of 10 February 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 16 August 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 10 August 2008. Applicants filed *inter alia* the basic national fee on 31 July 2008.

On 19 August 2008, applicants filed *inter alia* a declaration.

On 14 October 2008, a filing receipt and a Notice of Acceptance (Form PCT/DO/EO/903) indicating a 35 U.S.C. 371(c)(1), (2) and (4) date ("Filing Date") of 31 July 2008 were mailed to applicants.

DISCUSSION

Counsel requests issuance of a corrected Notice of Acceptance and corrected filing receipt showing a "Filing Date" (35 U.S.C. 371(c)(1), (2) and (4) date) of 19 August 2008. Review of the record reveals that the declaration compliant with 37 CFR 1.497(a) and (b) was filed on 19 August 2008; as such, the requirements of 35 U.S.C. 371(c)(4) were completed on that date. Accordingly, the Notice of Acceptance and Filing Receipt mailed on 14 October 2008 were issued in error, and both are hereby **VACATED**.

DECISION

The request is **GRANTED** as noted above.

This application is being returned to the Office of Patent Application Processing for the preparation and mailing of a new Notice of Acceptance (Form PCT/DO/EO/903) and a corrected filing receipt showing the correct "Filing Date." Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **19 August 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

3 1 JUL 2009

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

McGarry Bair, PC
32 Market Avenue, SW
Suite 500
Grand Rapids, MI 49503

In re Application of	:	
HONEYCUTT, et al.	:	DECISION ON PETITION
Serial No.: 12/162,847	:	
PCT No.: PCT/US07/61379	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 31 January 2007	:	
Priority Date: 31 January 2006	:	
Atty Docket No.: 71845-0113	:	
For: CONVEYOR WITH TROUGHED LOW	:	
FRICTION, POSITIVE DRIVE BELT	:	

This decision is in response to the petition under 37 CFR §1.47(a) filed 10 July 2009 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of co-inventor Allen Hatfield.

BACKGROUND

On 31 January 2007, applicant filed international application PCT/US07/61379 which claimed priority to a previous application filed 31 January 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 31 July 2008.

On 31 July 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 02 April 2009, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 10 July 2009, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a two-month extension of time and payment of the appropriate extension of time fee.

DISCUSSION

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

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "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." The statement of facts from Ms. Jill TeBos does not satisfy this item. Ms. TeBos states that she conducted internet searches in an attempt to locate Mr. Hatfield and contacted those individuals who turned out not to be the inventor in this application. However, applicant has not provided the results of any internet or telephone directory searches which were performed in an effort to locate the non-signing inventor in order to perfect the claim of diligent effort.

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

CONCLUSION

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

1 6 FEB 2010

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

McGarry Bair, PC
32 Market Avenue, SW
Suite 500
Grand Rapids, MI 49503

In re Application of	:	
HONEYCUTT, et al.	:	DECISION ON PETITION
Serial No.: 12/162,847	:	
PCT No.: PCT/US07/61379	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 31 January 2007	:	
Priority Date: 31 January 2006	:	
Atty Docket No.: 71845-0113	:	
For: CONVEYOR WITH TROUGHED LOW	:	
FRICTION, POSITIVE DRIVE BELT	:	

This decision is in response to the renewed petition under 37 CFR §1.47(a) filed 27 January 2010 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of co-inventor Allen Hatfield.

BACKGROUND

On 31 July 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 27 January 2010, applicant filed the renewed petition discussed herein accompanied by a petition for a four-month extension of time and payment of the appropriate extension of time fee.

DISCUSSION

As detailed in the decision mailed 31 July 2009, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

With the filing of the present renewed petition and accompanying exhibits applicant has satisfied the remaining item and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

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

The application has an international filing date of 31 January 2007 under 35 U.S.C. 363, and will be given a date of **10 July 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

16 FEB 2010

Mr. Allen Hatfield
1826 Silver Avenue
Grand Rapids, MI
49507

In re Application of
HONEYCUTT, et al.
Serial No.: 12/162,847
PCT No.: PCT/US07/61379
Int. Filing Date: 31 January 2007
Priority Date: 31 January 2006
Atty Docket No.: 71845-0113
For: CONVEYOR WITH TROUGHED LOW FRICTION, POSITIVE DRIVE BELT

Dear Mr. Hatfield:

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

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

Counsel of Record:

McGarry Bair, PC
32 Market Avenue, SW
Suite 500
Grand Rapids, MI 49503

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

27 JAN 2009

STAINBROOK & STAINBROOK, LLP
412 AVIATION BOULEVARD
SUITE H
SANTA ROSA, CA 95403

In re Application of HAGGIS et al	:	
U.S. Application No.: 12/162,888	:	
PCT Application No.: PCT/US2007/061408	:	
Int. Filing Date: 31 January 2007	:	
Priority Date Claimed: 31 January 2006	:	
Attorney Docket No.: 00474.P24US	:	DECISION
For: AM/FM/SW RECEIVER COUPLED WITH	:	
FM TRANSMITTER FOR PERSONAL	:	
MULTIMEDIA PLAYERS FOR LISTENING	:	
AND RECORDING	:	

This is in response to applicant's "Petition to Correct Inventorship Under 37 C.F.R. §1.497(d)" filed 08 December 2008.

BACKGROUND

On 31 January 2007, applicant filed international application PCT/US2007/061408, which claimed priority of an earlier United States application filed 31 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 31 July 2008.

On 31 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

On 06 October 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated the declaration submitted on 31 July 2008 lists an inventor who is not listed in the published international application.

On 08 December 2008, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that John Glissman should be added as an inventor. 37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

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

With regard to item (3) above, a review of Office records reveals that an assignment has been executed by at least one of the original named inventors. However, written consent of the assignee has not been provided.

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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1 4 APR 2009

STAINBROOK & STAINBROOK, LLP
412 AVIATION BOULEVARD
SUITE H
SANTA ROSA, CA 95403

In re Application of HAGGIS et al	:	
U.S. Application No.: 12/162,888	:	
PCT Application No.: PCT/US2007/061408	:	
Int. Filing Date: 31 January 2007	:	
Priority Date Claimed: 31 January 2006	:	
Attorney Docket No.: 00474.P24US	:	DECISION
For: AM/FM/SW RECEIVER COUPLED WITH FM TRANSMITTER FOR PERSONAL MULTIMEDIA PLAYERS FOR LISTENING AND RECORDING	:	

This is in response to applicant's renewed petition under 37 CFR 1.497(d) filed 27 March 2009.

BACKGROUND

On 31 January 2007, applicant filed international application PCT/US2007/061408, which claimed priority of an earlier United States application filed 31 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 31 July 2008.

On 31 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

On 06 October 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated the declaration submitted on 31 July 2008 lists an inventor who is not listed in the published international application.

On 08 December 2008, applicant filed a petition under 37 CFR 1.497(d).

On 27 January 2009, this Office mailed a decision dismissing the 08 December 2008 petition.

On 27 March 2009, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that John Glissman should be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

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

With regard to item (3) above, written consent of the assignee has been provided.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 31 January 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 31 July 2008.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

2 8 OCT 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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TUTUNJIAN + BITETTO, P.C.
20 CROSSWAYS PARK NORTH
SUITE 210
WOODBURY, NY 11797

In re Application of KAGEYAMA et al	:	
U.S. Application No.: 12/162,898	:	
PCT Application No.: PCT/JP2006/310911	:	
Int. Filing Date: 31 May 2006	:	
Priority Date Claimed: 24 April 2006	:	DECISION
Attorney Docket No.: 268-14	:	
For: PROCESS FOR PRODUCING PACKAGED PASTA PRODUCT STORABLE AT ROOM TEMPERATURE	:	

This is in response to applicant's correspondence filed 04 December 2008, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 31 May 2006, applicant filed international application PCT/JP2006/310911, which claimed priority of an earlier Japan application filed 24 April 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 01 November 2007. The thirty-month period for paying the basic national fee in the United States expired on 24 October 2008.

On 31 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 October 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which identified a discrepancy with regard to the given name of the first listed inventor.

On 04 December 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The present petition states that the discrepancy regarding the first inventor's name was the result of a typographical error. Applicant's explanation for the error is accepted and deemed a proper notification to the Office under MPEP 1893.01(e).

With regard to the English translation of the international application, the petition states that a marked-up copy of the specification was filed on 31 July 2008. However, a review of the application file reveals that no such marked-up copy is present. Furthermore, even if such marked-up copy was filed, it would not satisfy the requirement for a literal translation of the international application.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED IN PART.[1]

The application has an International Filing Date under 35 U.S.C. 363 of 31 May 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 31 July 2008.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

[1] The declaration filed 31 July 2008 is accepted.

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.
12/162,901	07/31/2008	Satoshi Ishizaka	Q109493	5909

7590 05/10/2010
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

NOTIFICATION DATE	DELIVERY MODE
05/10/2010	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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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LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON TX 76028

MAILED

AUG 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Keith Parten	:	DECISION ON PETITION
Application No. 12/162,953	:	TO WITHDRAW
Filed: July 31, 2008	:	FROM RECORD
Attorney Docket No. 0497RF-60570-US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed July 8, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that the Law Offices of James E. Walton, PLLC do not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of the Law Offices of James E. Walton, PLLC not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed solely to the address of record until proper instructions have been received.

Currently, there is an outstanding Office action mailed June 10, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at 571-272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

20 JUL 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

22850
OBLON, SPIVAK, MACCLELLAND MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of
KOBAYASHI *et al*
U.S. Application No.: 12/162,995
PCT No.: PCT/JP2007/051592
Int. Filing Date: 31 January 2007
Priority Date: 03 February 2006
Attorney Docket No.: 328521US0PCT
For: PROPYLENE POLYMER, METHOD FOR PRODUCTION OF THE PROPYLENE POLYMER, PROPYLENE POLYMER COMPOSITION, AND MOLDED ARTICLE MANUFACTURED FROM THE COMPOSITION

DECISION

This is a decision on the papers filed 23 October 2008.

BACKGROUND

On 10 October 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 an oath or declaration in compliance with 37 CFR 1.497(a) and (b) is required. Applicants were given two months to comply with extensions of time available pursuant to 37 CFR 1.136(a).

On 23 October 2008, applicants filed a declaration along with a statement by the second-named inventor.

On 09 July 2009, a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt was mailed.

DISCUSSION

In the papers filed 23 October 2008, applicants claim that the second named inventor's name was misspelled in the international application, PCT/JP2007/051592. The second-named inventor states that his last name was spelled as Nakajima on the international application, instead of his true name. Nakashima. The declaration filed 23 October 2008 in the above-captioned application listed his last name as Nakashima.

Section 201.03 of the Manual of Patent Examining Procedure (MPEP) states that where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. Reference to the notification will be made on the previously filed declaration.

Applicants' explanation meets the requirements of the MPEP and is sufficient to explain the name differences between the declaration and the international publication.

CONCLUSION

For the reasons discussed above, the declaration filed 23 October 2008 is deemed to be in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to Art Unit 1796 for examination.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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DAVIS WRIGHT TREMAINE LLP - SANDISK CORPORATION
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO, CA 94111

Mail Date: 04/21/2010

Applicant	: Farookh Moogat	: DECISION ON REQUEST FOR
Patent Number	: 7663950	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/163,017	: 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.

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.
12/163,053	06/27/2008	Sachiko OKA	328536US0	7998

7590 08/21/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
WILLIS, DOUGLAS M

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
08/21/2009	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 Harmel

Patent Publication Branch
Office of Data Management

Refund Ref:
08/21/2009 0030073558

Credit Card Refund Total: $1350.00

Ad Exp...: XXXXXXXXXXX1005

Adjustment date: 08/21/2009 NFARMER
06/30/2008 INTEFSW 00000357 12163053
02 FC:1111 -510.00 DP
04 FC:1201 -840.00 DP

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/163,061	06/27/2008	Mark William TALBOT	2008_0798A	8009

78806 7590 10/03/2008
Wenderoth, Lind & Ponack, L.L.P
2033 K Street, NW
Suite 800
Washington, DC 20006

EXAMINER
SHEIKH, AYAZ R

ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
10/03/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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2033 K Street; NW
Suite 800
Washington DC 20006

In re Application of:
Talbot et al.
Serial No.: 12/163061
Filed: June 27, 2008
Docket: 2008_0798A
For: **A Method of Restricting Access to Emails by Requiring Multiple Levels of User Authentication**

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 **DISMISSED**.

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

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

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

Specifically, the text search strategy fails to include a reasonable number of synonyms for the terms authenticate and email and fails to include the following concepts: biometric, multiple/several levels and privacy/persmission/access. Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarifications if deemed necessary. Below is a suggested search strategy to address the above deficiencies that can be modified to fit all of the previously used databases.

1) (multiple several) with (level grad$5 stage) with (authenticat$3 verif$7 valid$5 author$6) with (e$1mail "e mail" e-mail electronic$4 adj mail electronic$4 near messag$3)

2) (pass$1word pass$1phrase pass$1code) with (authenticat$3 verif$7 valid$5 author$6) with (e$1mail "e mail" e-mail electronic$4 adj mail electronic$4 near messag$3) same (biometric finger$1print iris near scan voice near scan) with (authenticat$3 verif$7 valid$5 author$6) with (e$1mail "e mail" e-mail electronic$4 adj mail electronic$4 near messag$3)

3) (privacy permission security access) near (role level grade) with (e$1mail "e mail" e-mail electronic$4 adj mail electronic$4 near messag$3)

4) (privacy permission security access) adj (role level grade) with (e$1mail "e mail" e-mail electronic$4 adj mail electronic$4 near messag$3)

5) (privacy permission security access) adj (role level grade) with (e$1mail "e mail" e-mail electronic$4 adj mail electronic$4 near messag$3) same (authenticat$3 author$6 verif$7 valid$5)

Finally, based upon the claimed subject matter of the instant application, a search in the following class and subclasses is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: Class 709 Multi-computer Data Transfer subclass 207(Priority Based

[1] MPEP 8th ed. rev 5 August 2006

Messaging), Class 713 Computer Support) subclasses 182-186 (Access Control) and Class 726 (Information Security) subclasses 2, 4, 21, 27, 28, 29 (Access/Authorization Control) for subject matter related to the use of authorization levels with respect to opening emails. This additional search area was confirmed with an examiner in the pertinent art area.

With regard to the requirement of MPEP § 708.02(a)(I)(2-3) and items 6.2-6.3 above, the discussion of the patentability states that the cited references fail to teach any of the claimed features whereas the section discussing the features disclosed by the cited references states that the claimed elements a and b are taught. Clarification is needed. Petitioner is reminded to provide a detailed **discussion** of each of the identified references, identifying subject matter by way of figure, page, column and line numbers, as appropriate, as they pertain to ALL of the claim limitations of the instant application. Citation of relevant column and lines numbers is not a discussion.

DECISION

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

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

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

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

Tod R Swann
Quality Assurance Specialist
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JAN 29 2009

TECHNOLOGY CENTER 2100

In re Application of:
TALBOT, Mark W. et. al.
Serial No.: 12/163,061
Filed: June 27, 2008
Docket: 2008_0798A
For: **Method of restricting access to e-mails by requiring multiple levels of user authentication**

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

This is a decision on the renew petition filed on November 03, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The original petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d), submitted on June 27, 2008 was dismissed in the decision mailed on October 03, 2008.

Renew petition filed November 03, 2008 in response to the dismissed decision mailed October 03, 2008, has been considered and found to meet requirements of Condition II. 5.2.

Namely, section Pre-examination Search 8(A) comprises an updated search including: (i) U.S. Field of Search, Class/subclass 709/207, 713/182-186 and 726/2, 4, 21, and 27-29 (page 3-5) recommended in order to provide full coverage of where the most pertinent references are most likely to be found and (ii) recommended text search logic shown as additional search on pages 4-5, in response to Decision mail October 03, 2008.

Updated search conducted pursuant to the decision on Petition mailed October 03, 2008 was conducted, uncovered additional references that were deemed most closely related to the claimed subject matter and also uncovered additional references that were not deemed most relevant to the claimed subject matter. These additional references were listed accordingly on separate IDS(es) identified as *IDS in support of the petition to make special under accelerated examination* and *IDS not in support of the petition to make special under accelerated examination* and only relevant to the general subject matter, respectively.

Renew petition filed November 03, 2008 in response to the dismissed decision mailed October 03, 2008, has been considered and found to meet requirements of Condition II. 6.2-6.3.

Namely, sections 9(A), 9(B) and 9(C) of the Accelerated Examination Support Document have been updated to refer to include a more detailed discussion of each of the identified references and to include newly cited references found as result of the updated search mentioned above.

The renew petition to make the application special is **GRANTED** as the Supplemental Accelerated Support Document filed November 03, 2008 meets the requirements of conditions II 5.2 and II. 6.2-6.3 that were noted deficient in the renew petition.

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

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

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

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

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

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

Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

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

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

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

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

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

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

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

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

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

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

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

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

/bp/

[redacted] Tod Swann
Quality Assurance Specialist
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/163,061	06/27/2008	Mark William TALBOT	2008_0798A	8009

78806 7590 01/30/2009
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EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

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.

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4821A Eisenhower Ave
Alexandria, VA 22304

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OFFICE OF PETITIONS

In re Application of :
Christensen et al. :
Application No. 12/163,108 :
Filed: June 27, 2008 :
Attorney Docket No. STL919990084US3 :

Decision Notifying Applicant the Application Has Been Accorded Status Under 37 CFR 1.47

This is in response to the papers filed June 27, 2008, and supplemented August 8, 2008. The papers filed June 27, 2008, included a copy of the declaration and petition under 37 CFR 1.47(a) filed in the parent application on November 13, 2002. The papers are being treated as a request for the application to be accorded status under 37 CFR 1.47(a).

The request is **granted**. The instant application is hereby accorded Rule 1.47(a) status.

Facts:

Procedural history for Application No. 09/387,796:

Consideration of the instant petition requires consideration of the procedural history of Application No. 09/378,796. Application No. 12/163,108 is a continuation of Application No. 09/387,796.

Application No. 09/387,796 was filed September 1, 1999.

The application papers included a declaration signed by all the inventors.

The declaration listed four inventors. The inventors were Catherine Christensen, Ricardo L. Gonzalez, David Brooks Hamilton, and Daina Edvina Pupons Wickham.

On October 8, 2002, petitioner filed a request under 37 CFR 1.48(a) to correct the inventorship of record. Petitioner sought to add Robert E. Medl as an inventor of record.

Pursuant to 37 CFR 1.48(a)(3), a request under 37 CFR 1.48(a) must include the submission of an oath or declaration by the actual inventors. The declaration filed October 8, 2002, was only signed by inventors Medl and Wickham.

On October 31, 2002, petitioner was notified the declaration filed October 8, 2002, was unacceptable because it did not include the signatures of all the inventors.

On November 13, 2002, petitioner filed a new declaration signed by all the inventors but Gonzalez. Petitioner filed a petition under 37 CFR 1.47(a) to accept the declaration without the signature of inventor Gonzalez. The petition was supplemented on November 27, 2002.

The Office mailed a decision granting the petition under 37 CFR 1.47(a) on November 29, 2002. On December 23, 2002, the Office mailed correspondence granting the request to add Robert Mendl as an inventor of record.

The application eventually issued as Patent No. 7,434,172 on October 7, 2008.

Procedural history for the instant application, Application No. 12/163,108:

The instant application was filed June 27, 2008.

The application papers included a copy of the petition and the declaration filed November 13, 2002, in Application No. 09/387,796. As noted previously, the declaration filed November 13, 2002, did not include the signature of Ricardo Gonzalez.

On August 8, 2008, petitioner submitted a copy of papers from the parent application including a copy of the decision granting the petition under 37 CFR 1.47.

Discussion:

Per 37 CFR 1.63(d)(3), 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.

Petitioner has submitted a copy of the declaration filed November 13, 2002, in the parent application and a copy of the decision according the application status under Rule 47 mailed November 29, 2002. Therefore, the copy of the declaration filed June 27, 2008, is accepted and the signing inventors may prosecute the application on behalf of the non-signing inventor.

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
Senior Petitions Attorney
Office of Petitions

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TECHNOLOGY CENTER 2600

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

In re Application of:
WILLIAMSON et al.
Serial No.: 12/163,174
Filed: June 27, 2008
Attorney Docket No.: AUS920080281US(1963-8004)
Title: **METHOD TO REMOTELY PROVIDE TELEVISION BROADCAST RECORDING SERVICES TO BROADCAST TELEVISION SERVICE SUBSCRIBERS**

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 **DISMISSED**.

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I above are considered to have been met. However, the petition fails to comply with conditions II, items 5.1, 6.2-6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of item 5.1 above, the preexamination search document provided with the instant petition is deficient as follow:

The search is too narrow. The search should have additionally included the following class/subclass:

725/107, 134, 142
709/217, 219

Also, the search logic should be more detailed using a number of different strings. Other terms need to be used in various combinations, such as:

"set top terminal", "cable box", "cable decoder", "cable terminal", "CATV", "digital recording", "digital video", "recording timer", "setting recording timers", "starting time", "start time", "recording length", "recording duration", "recording time", "television program", "channel information", "TV program", "television programming", "monitoring subscriber's response", "monitoring user's response", "storage constraint", "storage size", "storage allocation", "memory allocation", "predetermined intervals", "recording interruption", and "resuming of recording".

The keyword operators should be modified to include searching in all listed field of search areas.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per item 5.1 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

Regarding the requirements of item 6.3 above, petitioner has provided a broad discussion of the three references but has not argued each limitation. Even taken in combination with the discussion of the claim in section 9(B), the Accelerated Examination Support Document is deficient because section 9(C) fails to provide a "detailed explanation of how each of the limitation (of claim 1) is patentable over each of the references cited particularly required by 37 CFR 1.111(b) and (c) (emphasis added). In section 9 (B), reference 3 Berger seems to disclose most of the limitations of claim 1, but then in section 9 (C), petitioner states that all of the references identified above fails to at least teach the following claim limitations (page 7 of 8). Clarification is required.

Regarding the requirements of item 6.5 above, petitioner has provided section 9(E) to support; however, showing figures or flow diagrams and citied a section of paragraphs (without pointing to exact words and/or sentences) is not sufficient to satisfy this requirement as "a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph..." Clarification is required.

For the reasons cited above, the petition does not meet the conditions II. 5.1, 6.3 and II. 6.5 above.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Eileen Lillis, Quality Assurance Specialist, at (571) 272-2986.

/Kenneth A. Wieder/

Kenneth A. Wieder,
Quality Assurance Specialist
Technology Center 2600

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In re Application of:
WILLIAMSON et al.
Serial No.: **12/163,174**
Filed: June 27, 2008
Docket: AUS920080281US(1963-8004)
For: **METHOD TO REMOTELY PROVIDE TELEVISION BROADCAST TELEVISION SERVICE SUBSCRIBERS**

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

This is a decision on the renewed petition filed on October 24, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on June 27, 2008 was dismissed in the decision mailed on September 25, 2008.

The renew petition to make the application special is **GRANTED** as the new Support Document meets the requirements of conditions II 6.2 and the new Search Document meets the requirements of conditions II 5.1 that were deficient in the original petition.

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

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 Christopher Grant, Quality Assurance Specialist, at (571) 272-7294. A second point of Contact is Chau Nguyen at (571)-272-3126.

Christopher Grant
Quality Assurance Specialist
Technology Center 2400
Networking, Multiplexing, Cable and Security

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Miltons, LLP
225 Metcalfe Street
Suite 700
Ottawa, ON K2P 1P9 CA
CANADA

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AUG 01 2008

In re Application of	:	
Constantinos Joannou	:	
Application No. 12/163,183	:	DECISION ON PETITION
Filed: June 27, 2008	:	TO WITHDRAW
Attorney Docket No. 5078-19-10	:	FROM RECORD
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 27, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by 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 3764 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

DAVIS WRIGHT TREMAINE, LLP/SEATTLE
1201 THIRD AVENUE, SUITE 2200
SEATTLE, WA 98101-3045

In re Application of	:	
Perry Kaminski, et al.	:	
Application No. 12/163,196	:	DECISION ON PETITION
Filed: June 27, 2008	:	TO WITHDRAW
Attorney Docket No. 59105-16	:	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, 2009.

The request is **APPROVED**.

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

The request was signed by Michael J. Donohue on behalf of all attorneys of record who are associated with customer No. 22504. All attorneys/agents associated with the Customer Number 22504 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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: UST, INC.
528 18TH AVENUE
SEATTLE, WA 98122-5720

cc: HEATHER PAVLOSKY
PAVLOSHY ACCOUNTING SOLUTIONS
1742 IOWA STREET
BELLINGHAM, WA 98229

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/163,196	06/27/2008	Perry Kaminski	59105-16

CONFIRMATION NO. 8238

POWER OF ATTORNEY NOTICE

22504
DAVIS WRIGHT TREMAINE, LLP/Seattle
1201 Third Avenue, Suite 2200
SEATTLE, WA 98101-3045

OC000000035010367

Date Mailed: 03/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/11/2009.

- 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.

/amwise/

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

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Calera Corporation
Eric Witt
14600 Winchester Blvd.
Los Gatos CA 95032

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JAN 14 2010

In re Application of	:	
Brent R. CONSTANTZ et al	:	DECISION ON PETITION
Application No. 12/163,205	:	TO MAKE SPECIAL UNDER
Filed: June 27, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. CLRA-002	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 14, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

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 Olisa Anwah at 571-272-6051.

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 1797 for action on the merits commensurate with this decision.

Ramesh Krishnamurthy

Ramesh Krisnamurthy
Petitions Examiner
Office of Petitions

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POTOMAC PATENT GROUP PLLC
P.O. BOX 270
FREDERICKSBURG, VA 22404

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MAR 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Hua SHENG, et al	:	
Application No. 12/163,229	:	NOTICE
Filed: June 27, 2008	:	
Attorney Docket No. 0320-105	:	

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

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

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

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/163,270	06/27/2008	Swaminathan Balasubramanian	END920080139US1	8360

45046 7590 08/04/2008
IBM CORPORATION (SWP)
C/O SUITER SWANTZ PC LLO
14301 FNB PARKWAY, SUITE 220
OMAHA, NE 68154-5299

EXAMINER

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
08/04/2008	PAPER

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

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

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July 31, 2008

Sean Patrick Suiter
14301 FN8 Parkway, Suite 220
Omaha NE 68154-5299

In re Application of:
BALASUBRAMANIAN, SWAMINATHAN
Serial No.: 12/163,270
Filed: June 27, 2008
Docket: END920080139US1
Title: METHOD TO COLLABORATIVELY RESOLVE JAVA PROGRAM ERRORS WITHIN AN INTEGRATED DEVELOPMENT ENVIRONMENT

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

This is a decision on the petition filed on 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 **DISMISSED**.

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I1-I4, II1-II4, II5.1-II5.3, II6.1-II6.4, and II6.6 above are met. However, the petition fails to comply with conditions II6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

With respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above, the Accelerated Examination Support Document must provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification.

However, use of the phrase "at least" makes it unclear if the location of support is fully identified by listing a single paragraph for each feature. If there are other areas of support (e.g., other areas of written description, figures, etc), Petitioner is required to include them in section 9(E) of the Examination Support Document or if the single paragraph listed provides the complete basis for support, the section should be amended to remove the "at least" phrase. Clarification and identification of support for each claim limitation is required.

DECISION

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

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

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

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

/Gail Hayes/

Gail Hayes, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/163,270	06/27/2008	Swaminathan Balasubramanian	END920080139US1	8360

45046 7590 10/06/2008
IBM CORPORATION (SWP)
C/O SUITER SWANTZ PC LLO
14301 FNB PARKWAY, SUITE 220
OMAHA, NE 68154-5299

EXAMINER
KANG, INSUN

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
10/06/2008	PAPER

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

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

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October 6, 2008

Sean Patrick Suiter
Suiter Swantz pc llo
14301 FN8 Parkway, Suite 220
Omaha, NE 68154-5299

In re Application of: Swaminathan Balasubrananian Serial No.: 12/163,270 Filed: June 27, 2008 Docket: END920080139US1 Title: METHOD TO COLLABORATIVELY RESOLVE JAVA PROGRAM ERRORS WITHIN AN INTEGRATED DEVELOPMENT ENVIRONMENT	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on August 25, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition submitted on June 27, 2008 was initially dismissed on August 4, 2008.

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

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REVIEW OF FACTS

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

DECISION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

/Gail Hayes/

Gail Hayes, Quality Assurance Specialist
Technology Center 2100

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ALBANY, NY 12207

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APR 13 2009

OFFICE OF PETITIONS

In re Application of :
Acar, et al. :
Application No.: 12/163,318 : ON PETITION
Filed: June 27, 2008 :
Attorney Docket No. YOR92005044US2 :

This is in response to the petition under 37 CFR 1.137(b) filed March 16, 2009.

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

A "Notice to File Corrected Application Papers" (the "Notice") was mailed by the Office on July 11, 2008, allowing a shortened period of 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 replacement drawings to be filed. A complete response was not received within the allowable period, and the application became abandoned on September 12, 2008. A Notice of Abandonment was mailed March 16, 2009.

The replacement drawings filed March 16, 2009, is noted.

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

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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OFFICE OF PETITIONS

In re Application of	:	
Klamerus, et al.	:	
Application No. 12/163,319	:	DECISION ON PETITIONS
Filed: June 27, 2008	:	
Attorney Docket No.	:	
2202102.00122US1		

This is a decision on the "PETITION TO EXPEDITE PETITION TO EXPUNGE UNDER 37 C.F.R. § 1.182", and the "PETITION TO EXPUNGE UNDER 37 C.F.R. § 1.59(b)", both filed on February 3, 2009.

The petition to expedite is **GRANTED**.

The petition to expunge is **DISMISSED** ss moot.

As set forth in MPEP 724.05, a petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;

(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

(C) the information has not otherwise been made public;

(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and

(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

Petitioner requests expungement of certain exhibits filed in support of a 37 CFR 1.47(a) petition on November 24, 2008. However, a review of the application file does not reveal any petition filed on that date.

Receipt of the $400 fee for the petition to expedite and the $200 fee for the petition to expunge is acknowledged.

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) 272-3219.

Cliff Congo
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of Klamerus, et al. Application No. 12/163,319 Filed: June 27, 2008 Attorney Docket No. 2202102.00122US1	: : : : :	DECISION ON PETITIONS

This is a decision on the "RENEWED PETITION TO EXPUNGE UNDER 37 C.F.R. § 1.59(b)", filed on February 23, 2009.

The petition to expunge is **DISMISSED** as moot.

Petitioner requests expungement of certain exhibits filed in support of a 37 CFR 1.47(a) petition on November 24, 2008. However, a review of the application file does not reveal any petition filed on that date. As such, expungement is not possible.

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

Petitioner paid a petition fee of $200. As no fee was due for a renewed petition, the $200 fee has been refunded to Deposit Account No. 08-0219.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of Klamerus, et al. Application No. 12/163,319 Filed: June 27, 2008 Attorney Docket No. 2202102.00122US1	: : : : : :	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

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

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) 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, drawings, oath or declaration); (2) an acceptable oath or

declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Rule 47 applicant has not met requirement (2) above.

Pursuant to 37 CFR 1.63(c)(1), the oath or declaration must specify the mailing address of each inventor, unless such information is supplied on an application data sheet. Here, the declaration does not specify the mailing address of inventors Klamerus and Chollet. Nor is there any indication that applicants have submitted an application data sheet.

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 may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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APR 14 2009

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In re Application of Klamerus, et al. Application No. 12/163,319 Filed: June 27, 2008 Attorney Docket No. 2202102.00122US1	: : : : :	DECISION ON PETITIONS

This is a decision on the "RENEWED PETITION TO EXPUNGE UNDER 37 C.F.R. § 1.59(b)", filed on April 3, 2009.

The petition to expunge is **GRANTED**.

As set forth in MPEP 724.05, a petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;

(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

(C) the information has not otherwise been made public;

(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and

(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

Petitioner has requested expungement of Exhibits C, D, E, F, G, H, I, Q, R, S, T, U, V, W, and X, filed in support of a 37 CFR 1.47(a) petition filed on November 24, 2008.

Petitioner has satisfied requirements A-F set forth above. As such, the petition is granted. As the application is an Image File Wrapper (IFW) file, expungement will be effectuated by closing the record concerned to the public.

As there is no additional fee required for a renewed petition, the $200 petition fee has been refunded to Deposit Account No. 08-0219.

The application is being forwarded to Group Art Unit 1614 for docketing and 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

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In re Application of Klamerus, et al. Application No. 12/163,319 Filed: June 27, 2008 Attorney Docket No. 2202102.00122US1	: : : : :	DECISION ON PETITIONS

This is a decision on the "PETITION TO EXPEDITE RENEWED PETITION TO EXPUNGE UNDER 37 C.F.R. § 1.182", filed on April 3, 2009.

The petition to expedite is **GRANTED**.

The application is being retained in the Office of Petitions for consideration of the petition to expunge, filed April 3, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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APR 27 2009
OFFICE OF PETITIONS

In re Application of	:	
Klamerus, et al.	:	
Application No. 12/163,319	:	CORRECTED DECISION
Filed: June 27, 2008	:	
Attorney Docket No.	:	
2202102.00122US1	:	

This is a corrected decision on petition. A previous decision on a Rule 47 petition was mailed on April 7, 2009.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The decision mailed April 7, 2009 is hereby **VACATED**.

A grantable petition under 37 CFR 1.47(a) 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, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The decision mailed April 7, 2009 stated that applicants had not submitted a 37 CFR 1.63 declaration specify the mailing address of inventors Klamerus and Chollet, nor was there any indication that applicants have submitted an application data sheet.

In a telephone conversation with the undersigned, Attorney Zoltan has pointed out that an ADS was indeed filed on June 27, 2008. Accordingly, the April 7, 2009 decision was mailed in error.

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

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

The application is being forwarded to Group Art Unit 2192 for docketing and examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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APR 27 2009

OFFICE OF PETITIONS

DR JANET A CHOLLET
632 RACINE AVE
PITTSBURGH PA 15216

In re Application of
Klamerus, et al.
Application No. 12/163,319
Filed: June 27, 2008
Title: Dynamic XPS Filter

LETTER

Dear Dr. Chollet:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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FEB 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Klamerus, et al.	:	
Application No. 12/163,334	:	DECISION ON PETITIONS
Filed: June 27, 2008	:	
Attorney Docket No.	:	
2202102.00121US2		

This is a decision on the "PETITION TO EXPEDITE PETITION TO EXPUNGE UNDER 37 C.F.R. § 1.182", and the "PETITION TO EXPUNGE UNDER 37 C.F.R. § 1.59(b)", both filed on February 3, 2009.

The petition to expedite is **GRANTED**.

The petition to expunge is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** of the mailing date of this decision.

As set forth in MPEP 724.05, a petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;

(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its

return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

(C) the information has not otherwise been made public;

(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and

(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

The instant petition has not satisfied item (c) above. A review of the information requested to be expunged reveals that at least some of the information has been made public. For example, Exhibit A is a copy of a published patent application.

Receipt of the $400 fee for the petition to expedite and the $200 fee for the petition to expunge is acknowledged. No further fee is due on renewed 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) 272-3219.

Cliff Congo
Petitions Attorney
Office of Petitions

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In re Application of	:	
Klamerus, et al.	:	
Application No. 12/163,334	:	DECISION ACCORDING
Filed: June 27, 2008	:	STATUS UNDER RULE 1.47(a)
Attorney Docket No.	:	
2202102.00121US2		

This is a decision on the petition under 37 CFR 1.47(a), filed on November 24, 2008.

The petition under 37 CFR 1.47(a) is **GRANTED**.

On petition, petitioner has established that inventor Chollet has refused to sign the application papers. Specifically, petitioner has attested that a copy of the application papers was forwarded to counsel for Chollet on July 1, 2008. However, as of the mail date of the petition, no executed declaration from Chollet has been received.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The petition fee of $200 has been charged to Deposit Account No. 08-0219, as authorized.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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DR JANET A CHOLLET
632 RACINE AVE
PITTSBURGH PA 15216

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OFFICE OF PETITIONS

In re Application of
Klamerus, et al.
Application No. 12/163,334
Filed: June 27, 2008
Title: Method of Treating Atrophic Vaginitis

LETTER

Dear Dr. Chollet:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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In re Application of Klamerus, et al. Application No. 12/163,334 Filed: June 27, 2008 Attorney Docket No. 2202102.00121US2	: : : : :	DECISION ON PETITIONS

This is a decision on the "RENEWED "PETITION TO EXPUNGE UNDER 37 C.F.R. § 1.59(b)", filed on February 23, 2009.

The petition to expunge is **GRANTED**.

As set forth in MPEP 724.05, a petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;

(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

(C) the information has not otherwise been made public;

(D) there is a commitment on the part of the petitioner to

retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and

(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

Petitioner has requested expungement of Exhibits D, E, F, G, H, I, M, O, P, Q, R, S and T, filed in support of a 37 CFR 1.47(a) petition filed on November 24, 2008. Pe

Petitioner has satisfied requirements A-F set forth above. As such, the petition is granted. As the application is an Image File Wrapper (IFW) file, expungement will be effectuated by closing the record concerned to the public.

Petitioner paid a petition fee of $200. As no fee was due for a renewed petition, the $200 fee has been refunded to Deposit Account No. 08-0219.

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/163,346	06/27/2008	Paul W. Rudrud	ROC920080222US1 (105101)	8490

78148 7590 09/18/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER

ART UNIT	PAPER NUMBER
2829	

MAIL DATE	DELIVERY MODE
09/18/2008	PAPER

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

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

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KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

In re Application of:
RUDRUD *et al.*
Serial No.: 12/163,346
Filed: June 27, 2008
Title: **APPARATUS FOR PROBING THE UNDERSIDE OF A CHIP PACKAGE**

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 **DISMISSED**.

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I.1-4; II.5, 5.1-5.3, 6, 6.1, 6.3-6.4 and 6.6, above are considered to have been met. However, the petition fails to comply with conditions section II, subsections 6.2 and 6.5, above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

In order to meet the requirement of section II, subsection 6.2, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference, specifying where the limitation is disclosed in the cited reference. The examination support document accompanying the petition only discusses what each reference generally teaches. There is no correlation between the limitations set forth by the language of the claim and what each reference teaches. For example, the examination support document indicates that McGinnis et al. "generally discloses an apparatus for probing the backside of a semiconductor device." However, the claim is directed to a device for accessing and testing connections between a chip package and a printed circuit board. The main focus of this section of the provided examination support document appears to be pointing out what the references do not show, rather that what claim limitations they do teach. The explanation of what the references do not teach is better suited to a later section of the examination support document discussing the patentability of the claim. For the above reasons, the petition does not meet the requirements of section II, subsection 6.2, as set forth above.

Regarding the requirements of section II, subsection 6.5, the examination support document must include a showing of where **each limitation** of the application claims finds support under 35 USC 112, first paragraph, in the written description of the specification.. The examination support document includes a broad statement of the support being found between a range of paragraphs. As such, the examination support document neither clearly shows support for each limitation, nor is it pointed out in the written description of the specification. A more specific description of where each limitation finds support is required. It is suggested that specific paragraph and line numbers be used to identify where each limitation of the claim has support. For these reasons, the petition does not meet the requirements of section II, subsection. 6.5, as set forth above.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, 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 Clayton E. LaBalle, Quality Assurance Specialist (QAS), at (571) 272-1594.

Clayton E. LaBalle, QAS
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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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.
12/163,346	06/27/2008	Paul W. Rudrud	ROC920080222US1 (105101)	8490

78148 7590 11/20/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER

ART UNIT	PAPER NUMBER
2829	

MAIL DATE	DELIVERY MODE
11/20/2008	PAPER

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

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

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KING & SPALDING
1180 PEACHTREE ST.
ATLANTA GA 30309

In re Application of: Paul W. Rudrud et al. Serial No.: 12/163,346 Filed: June 27, 2008 Docket No.: ROC920080222US1 Title: APPARATUS FOR PROBING THE UNDERSIDE OF A CHIP PACKAGE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on October 17, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1594.

Clayton E. LaBalle, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

CL/JC

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/163,369	06/27/2008	Buem-Suck KIM	123037-0038	8524

7590 08/06/2009
LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER
SKYLES, TIFNEY L

ART UNIT	PAPER NUMBER
2814	

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

Adjustment date: 08/07/2009 NFARMER
07/10/2008 VVAN11 00000022 071337 12163369
02 FC:1111 510.00 CR
04 FC:1201 210.00 CR

FORM PET651G (Rev. 08/07)

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

COPY MAILED

AUG 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Bushman et al.	:	DECISION ON PETITION
Application No. 12/163,377	:	TO WITHDRAW
Filed: June 27, 2008	:	FROM RECORD
Attorney Docket No. 15686.0005USI1	:	

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 13, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved since the proper certifications were not made. Pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period that the practitioner intends to withdraw from employment.

Accordingly, any subsequent requests must include all certifications pursuant to 37 CFR 10.40.

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.*

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

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Request under 37 CFR 1.48(b), to Delete Persons No Longer Inventors Due to Amendment or Cancellation of Claims

Applicants hereby request that the inventorship for this application be corrected. This filing is accompanied by the processing fee required by §1.17(i). Due to the preliminary amendment presented herewith, the invention(s) of the following six inventors is/are no longer claimed in this application:

Nancy Anne Federspiel, Allan Lammers, Xing Liang Liu, Stanley R. Bates, Christina Westerlund, and Jonathan R. Fitch.

Thus, the correct and complete list of inventors for the currently claimed subject matter is:

Catherine Anderson, Stephen Aaron Lee, Kerrie Powell, Pilar Puente, Jennifer Lee Rhein, Philip Reid Timmons, and Vincent Paul Mary Wingate.

Applicants respectfully request that the Office issue an Updated Filing Receipt to officially make of record this change.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/163,428	06/27/2008	Amy J. Spinler	ROC920080205US1	8623

59452 7590 07/31/2008
CANTOR COLBURN LLP - IBM ROCHESTER DIVISION
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

ART UNIT	PAPER NUMBER
2837	

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.

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20 Church Street
22nd Floor
Hartford, CT 06103

In re Application of:	:	
Amy J. Spinler et al.	:	DECISION ON PETITION TO
Serial No.: 12/163,428	:	MAKE SPECIAL FOR NEW
Filed: June 27, 2008	:	APPLICATION UNDER 37
Attorney Docket No.: ROC920080205US1	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
Title: MUSIC PERFORMANCE CORRELATION AND AUTONOMIC ADJUSTMENT	:	

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) and M.P.E.P. §708.02(a).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The pre-examination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

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

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

Regarding the condition set forth in II.6.2 above, the support document is required to identify all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The "Identification of Limitations Disclosed by References" does not clearly identify the claim limitations that are disclosed by the references. For example, the reference to Rosenberg (US 2007/0213110) is described with respect to step (a) as disclosing "a currently playing song and a newly selected song in response to the detection of a bob or jump." However, a step of "providing a set of musical pieces during an activity having associated performance parameters" is claimed. It is not clear whether playing a pair of songs comprises "providing a set of musical pieces" and whether a bob or a jump comprises "an activity having associated performance parameters." It should be made clear what, if any, "performance parameters" are associated with a bob or a jump so that it can be ascertained as to whether the limitations of the step are disclosed by the reference. For another example, the reference to Oliver et al. (2007/0118043) is described with respect to step (h) as listing several musical elements in paragraph [0010]. However, step (h) recites several specific musical elements and it is not clear from the discussion whether any of the musical elements listed by Oliver et al. are included in the set of musical elements that is claimed. A review of Oliver et al. indicates that the listed musical elements include tempo or beat. Hence, the support document is inadequate by failing to make clear that some of the musical elements listed by Oliver et al. are included in the set of musical elements that is claimed. The support document should clearly identify the limitations in the claim that are disclosed by the references and should clearly explain how those limitations are disclosed by the references when it is not self-evident from the terminology used.

Regarding the condition set forth in II.6.5 above, the examination support document supplied by the petitioner does not specifically show where each limitation of the claim finds support under 35 USC 112, first paragraph, in the written description of the specification. While the support document indicates that support in the disclosure under 35 USC 112, first paragraph, is found at least in paragraph [0004], paragraph [0004] is merely a copy of the claim. It provides no more support under 35 USC 112, first paragraph, than the claim itself. The "Showing of Support under 35 USC 112, First Paragraph" must show where adequate support under 35 USC 112, first paragraph, can be found in the specification for each claim limitation and not merely where mention of each claim limitation can be found in the specification.

Accordingly, the petition does not meet conditions II.6.2 and II.6.5 for the reasons cited above.

DECISION

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

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

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

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

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

HP/JC

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/163,428	06/27/2008	Amy J. Spinler	ROC920080205US1	8623

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

EXAMINER
RO, BENTSU

ART UNIT	PAPER NUMBER
2837	

NOTIFICATION DATE	DELIVERY MODE
09/25/2008	ELECTRONIC

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

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

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

usptopatentmail@cantorcolburn.com

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CANTOR COLBURN LLP - IBM ROCHESTER DIVISION
20 Church Street
22nd Floor
Hartford, CT 06103

In re Application of: Amy J. Spinler et al. Serial No.: 12/163,428 Filed: June 27, 2008 Docket No.: ROC920080205US1 Title: MUSIC PERFORMANCE CORRELATION AND AUTONOMIC ADJUSTMENT	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on August 29, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HP/JC

UNITED STATES 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 13 2009

OFFICE OF PETITIONS

DAVID S. NAGY
756 S. GRIFFITH PARK DR.
BURBANK, CA 91506

In re Application of
Carl I. Wakamoto et al
Application No. 12/163,447
Filed: June 27, 2008
Attorney Docket No. WAK - - 6-27-08

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 27, 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 July 18, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. Four-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on January 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEVINE BAGADE HAN LLP
2483 EAST BAYSHORE ROAD, SUITE 100
PALO ALTO CA 94303

COPY MAILED

NOV 2 4 2008

OFFICE OF PETITIONS

In re Application of
Michael Lipton, Ilya Polyakov, Alireza Zarrabi, Otto Hui, Silmon Biggs, Thomas Kridl, Gordon Russell, Jonathan Heim and Roger Hitchcock
Application No. 12/163,554
Filed: June 27, 2008
Attorney Docket No. ARMUN A01700

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed September 12, 2008.

The petition is **GRANTED.**

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

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

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jonathan R. Heim
61 Clarendon Road
Pacifica, CA 94044

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NOV 2 4 2008

OFFICE OF PETITIONS

In re Application of
Michael Lipton, Ilya Polyakov, Alireza Zarrabi, Otto Hui, Silmon Biggs, Thomas Kridl, Gordon Russell, Jonathan Heim and Roger Hitchcock
Application No. 12/163,554
Filed: June 27, 2008
Attorney Docket No. ARMUN A01700
FOR: Electroactive Polymer Transducers for Sensory Feedback Applications

Dear Mr. Heim:

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

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

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

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

cc: LEVINE BAGADE HAN LLP
2483 EAST BAYSHORE ROAD, SUITE 100
PALO ALTO CA 94303
ATTN: Sanjay S. Bagade

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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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

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AUG 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Sydney Brenner	:	
Application No. 12/163,571	:	DECISION ON PETITION
Filed: June 27, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. SPENCER	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 27, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of applicant's passport. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

The application is being referred to the Office of Patent Application Papers to await the reply to the Notice to File Corrected Application Papers (Notice) mailed July 15, 2008. This application will be accorded "special" status when pre-examination processing is done.

April M. Wise
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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OCT 0 1 2009

OFFICE OF PETITIONS

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Application of	:	
ASIRVATHAM, Kirupairaj et al.	:	
Application No. 12/163,586	:	DECISION ON PETITION
Filed: June 27, 2008	:	TO WITHDRAW
Attorney Docket No. **37143-505F01US**	:	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 21, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Pedro F. Suarez on behalf of all attorneys of record who are associated with customer No. 64046. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding Office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **KIRUPAIRAJ ASIRVATHAM**
12670 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130

cc: **WI-LAN, INC.**
11 HOLLAND AVENUE, SUITE 608
OTTAWA, ONTARIO K1Y 4S1
CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAHN & VOIGHT PLLC
1012 14TH STREET, NW
SUITE 620
WASHINGTON DC 20005

MAILED

JUL 16 2009

OFFICE OF PETITIONS

Applicants: Gal, et al.
Appl. No.: 12/163,648
International Filing Date: June 27, 2008
Title: FOLDED RECOMBINANT CATALYTIC FRAGMENTS OF MULTIDOMAIN SERINE PROTEASES, PREPARATION AND USES THEREOF
Attorney Docket No.: DAN-003/DIV (99277)
Pub. No.: 2009/0042248 A1
Pub. Date: February 12, 2009

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on February 18, 2009 for the above-identified application.

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains material errors, wherein the preliminary amendment to the claims was not included in the publication.

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

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the claims because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). [2] The "failure to include an amendment

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

[2] Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

is not an Office error," See MPEP 1130(B). The publication accurately reflected the specification as filed.

Since 1997, the Office has encouraged applicants to file patent applications under 35 U.S.C. 111(a), especially continuation and divisional applications, without preliminary amendments by including any desired changes as part of the specification and drawings of the new application. In order to have a patent application publication of a continuation or divisional application contain only a desired set of claims, rather than the set of claims in the prior application, the Office strongly recommended that the continuation or divisional application be filed under 37 CFR 1.53(b) with a new specification containing only the desired set of claims. [3]

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 is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on February 18, 2009, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

A "request for republication of an application previously published" filed under 37 CFR 1.221(a) "must include a copy of the application compliance with the Office's electronic filing system [EFS] requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." Applicant's petition does not comply with the EFS requirements. The republication will not take place and the publication fee set forth in § 1.18(d) has not been charged. The processing fee will be retained.

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

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[3] See Pre-Grant Publication Helpful Hint: File Continuation or Divisional Application with a New Specification and Copy of Oath or Declaration from Prior Application, 1251 Off. Gaz. Pat. Office Notices 54 (Oct. 9, 2001).

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

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

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SECOND SIGHT MEDICAL PRODUCTS, INC.
12744 SAN FERNANDO ROAD, BUILDING 3
SYLMAR, CA 91342

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MAR 26 2009

OFFICE OF PETITIONS

In re Application of	:	
David Daomin ZHOU, et al	:	
Application No. 12/163,658	:	DECISION ON PETITION
Filed: June 27, 2008	:	
Attorney Docket No. S515-USA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed July 11, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 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 a signed declaration and the required fee; (2) the petition fee of $810; and (3) the required statement of unintentional delay.

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

This application is being referred to Technology Center AU 1794 for appropriate action by the Examiner in the normal course of business on the reply received February 6, 2009.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/163,689	06/27/2008	Yoshihisa Kizuka	SEITOSH.016AUS	9052

7590 11/23/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
2423	

NOTIFICATION DATE	DELIVERY MODE
11/23/2009	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:
11/22/2009 0333077604

Credit Card Refund Total: $510.00

Master Cr XXXXXXXXXXXX5553

Adjustment date: 11/20/2009 MFARMER
06/30/2008 INTEFSW 00003657 12163689
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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DIW Jan-09

BRYAN K. WHEELOCK
SUITE 400
7700 BONHOMME
ST. LOUIS MO 63105

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JAN 13 2009

OFFICE OF PETITIONS

In re Application of	:
Viswanathan, Blume, Tunay,	: DECISION REFUSING STATUS
Gasparakis, and Munger	: UNDER 37 CFR 1.47(a)
Application Number: 12/163693	:
Filing Date: 06/27/2008	:
Attorney Docket Number: 5236-000918/US	:

This is in response to the petition under 37 CFR 1.47(a) filed on December 15, 2008.

The petition is **DISMISSED**.

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

On June 27, 2008, the application was filed without an executed oath or declaration.

Accordingly, on July 14, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application, requiring the statutory basic filing fee, an executed oath or declaration, a surcharge for their late filing, additional claim fees, the application search fee and the application examination fee. A two (2) month period for reply was set.

In response, on December 15, 2008, the present petition was filed, along with a petition for a three (3) month extension of time, and the required fee, the required filing, search,

examination, and additional claims fees, and a declaration naming Raju R. Viswanathan, Walter M. Blume, Iiker Tunay, Charidimos E. Gasparakis, and Gareth T. Munger, as joint inventors, signed by all joint inventors except Gasparakis on behalf of themselves and non-signing joint inventor Gasparakis.

Petitioners aver that a copy of the application was sent to the non-signing inventor's last known address, but that no response was received. Petitioners further aver that an Internet search was performed, and that an address for the non-signing inventor and an address for his wife were found, and that a copy of the application sent to one of the other addresses was returned as undeliverable, while the package sent to the other address by Federal Express was signed for by "J. Hoff," an unknown individual, and no response was 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 inventor.

The petition lacks item (1).

The petition must be dismissed because sufficient proof has not been provided that the inventor received the application papers.

Petitioners have provided a declaration by Carla S. Young, counsel's IP assistant. Ms. Young's declaration states that a copy of the application was sent to the non-signing inventor's last known address. It is unclear however, whether this Ms. Young's statement, or the statements in the petition itself, were made with first-hand knowledge of the details.

Petitioner must provide proof that a copy of the application (specification, including the claims, drawings, if any, and the Declaration) was sent to given to the non-signing inventor for

review.[1] Acceptable proof includes a copy of the cover letter transmitting the application papers to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

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.

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.

Accordingly, it is requested that petitioners provided statements by persons with first-hand knowledge from the persons who sent the email, including the attachments, to the non-signing inventor.

With regard to the mailing by Federal Express received by "J. Hoff," the showing of record is that the papers were not received by the non-signing inventor, but by another individual, and it is unclear whether the non-signing inventor ever received the application

As a brief internet search suggests that the non-signing inventor may living at another address in St. Louis, MO, 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.

---

[1] MPEP 409.03(d).

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.

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 the inventor 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 the inventor by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that the inventor cannot be found despite diligent efforts.

It is noted that $130.00 was paid toward the petition fee. The fee for a petition under 37 CFR 1.47, however, is currently $200.00. Accordingly, the balance due of $70.00 will be charged to counsel's deposit account, as authorized in the subject 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
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.

Douglas I. Wood
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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DIW MCI-09

BRYAN K. WHEELOCK
SUITE 400
7700 BONHOMME
ST. LOUIS MO 63105

MAILED

MAR 19 2009

OFFICE OF PETITIONS

In re Application of Viswanathan et al. Application Number: 12/163693 Filing Date: 06/27/2008 Attorney Docket Number: 5236-000918/US	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a) filed on February 17, 2009.

The petition is **GRANTED**.

Petitioners have shown, via the declaration in the renewed petition by counsel's IP assistant, Carla S. Young, that a copy of the application was sent to the non-signing inventor at three (3) different addresses. One of the mailings was returned as undeliverable. Additionally, the non-signing inventor has failed to sign and return declaration naming him as a joint inventor along with Raju R. Viswanathan, Walter M. Blume, Ilker Tunay, and Gareth T. Munger.

As such, the showing of record is that the non-signing inventor has constructively refused, or cannot be located, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DIW Mar-09

Charidimos E. Gasparakis
501 Donne Avenue
St. Louis MO 63130

MAILED

MAR 19 2009

OFFICE OF PETITIONS

In re Application of
Viswanathan et al.
Application No. 12/163,693
Filed: June 27, 2008
For: REMOTE CONTROL OF MEDICAL DEVICES USING REAL TIME LOCATION DATA

Dear Mr. Gasparakis:

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

HARNESS, DICKEY & PIERCE
7700 BONHOMME, SUITE 400
ST. LOUIS MO 63105

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

Treyz Law Group
870 Market Street, Suite 984
San Francisco, CA 94102

Mail Date: 04/21/2010

Applicant	: Srinivas Perisetty	: DECISION ON REQUEST FOR
Patent Number	: 7592832	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/163,695	: 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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In re Application of
JOHN R. SWISHER

Application No. 12163699

Filed: June 27,2008

Attorney Docket No. 4812-PA1

: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-2009 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/163,711	06/27/2008	Marcia Silva Lacerda Miranda	80750-1080	9090

24504 7590 07/31/2008
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

EXAMINER	
ART UNIT	PAPER NUMBER
1796	

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

Mailed: DWW

In re Application of Miranda et al.
Serial No.: 12/163,711
Filed: January 27, 2008

DECISION ON PETITION UNDER *37 CFR 1.48(a)*

Title: PROCESS OF PREPARATION OF CATALYTIC SUPPORT AND SUPPORTED METALLOCENE CATALYSTS FOR PRODUCTION OF HOMOPOLYMERS AND COPOLYMERS OF ETHYLENE WITH ALFA -OLEFINS, OF HIGH AND ULTRA HIGH MOLECULAR WEIGHT AND WITH BROAD MOLECULAR WEIGHT DISTRIBUTION IN SLURRY, BULK AND GAS PHASE PROCESSES AND PRODUCTS THEREOF

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed July 29, 2008 to correct inventorship under 37 CFR 1.48(a) by adding the name of Fernanda Olivira Vieira Da Cunha to the list of inventors of the instant application.

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.48(a) by (1) submitting a request to correct the inventorship that sets forth the desired inventorship change; (2) providing a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) providing a declaration of the actual inventors as required by 37 C.F.R. § 1.63; and (4) providing the processing fee set forth in 1.17(i). It is also noted that since no assignment has been executed by the originally named inventors, written assent of assignee is not needed.

The request is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

David Wu
Supervisory Patent Examiner
Art Unit 1796
Technology Center 1700

THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.
600 Galleria parkway, Suite 1500
Atlanta, Gerogia 30339-5948

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

MIRANDA et al.

Serial Number: 12/163,711

Filing Date: June 27, 2008

Confirmation: 9090

Art Unit: Unassigned

Examiner: Unassigned

Docket No.: 80750 - 1080

Title: **PROCESS OF PREPARATION OF CATALYTIC SUPPORT AND SUPPORTED METALLOCENE CATALYSTS FOR PRODUCTION OF HOMOPOLYMERS AND COPOLYMERS OF ETHYLENE WITH ALFA-OLEFINS, OF HIGH AND ULTRA HIGH MOLECULAR WEIGHT AND WITH BROAD MOLECULAR WEIGHT DISTRIBUTION IN SLURRY, BULK AND GAS PHASE PROCESSES AND PRODUCTS THEREOF**

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

PETITION TO ADD NAME(S) OF OMITTED INVENTOR(S) TO NON-PROVISIONAL APPLICATION (37 CFR §1.48(a))

1. Applicant petitions to add the following name(s), omitted by error, as inventor(s) to this application.

   Fernanda Oliveira Vieira Da Cunha

2. The error in omitting the inventor(s) hereby petitioned to be added occurred by error, without deceptive intent on the part of the omitted inventor(s).

   - The following documents are attached:
     - Declaration for Patent Application
     - Statement of Inventor to Be Added

3. Fee

   The petition fee for correction of inventorship in a nonprovisional application is $130.00 (37 C.F.R. § 1.17(i)).

   Petition Fee due $130.00

4. Payment of fees

☐ Attached is a ☐ check ☐ money order in the amount of $.
☒ Authorization is hereby made to charge the amount of $130.00
☐ to Deposit Account No.
☒ to Credit card as shown on the attached credit card information authorization form PTO-2038.
☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

James W. Kayden

James W. Kayden, Reg. No. 31,532

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.
600 Galleria Parkway, Suite 1500
Atlanta, Georgia 30339-5948
Tel. No.: 770-933-9500

Docket No.: 80750-1080

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BROUILLETTE & PARTNERS
METCALFE TOWER, 1550 METCALFE STREET
SUITE 800
MONTREAL QC H3A-1X6 CA CANADA

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NOV 19 2008

OFFICE OF PETITIONS

In re Application of
Fiechter, et al.
Application No.: 12/163,714
Filed: June 27, 2008
Attorney Docket No.: 3745-016

ON PETITION

This is a decision on the petition under 37 CFR 1.47(a), filed October 23, 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.**

Petitioners are reminded that a grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor 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 as specified in 37 CFR § 1.17(g), and
(4) the last known address of the omitted inventor.

The petition was not accompanied by any fees – petition, extension of time, or surcharge. The merits of the petition will not be addressed until the petition fee and other fees are paid. Please be sure to pay the appropriate extension of time fee. Petitioners are reminded that a credit card authorization must be submitted each time applicants desire the Office to make a charge. For reasons of security, the Office discards credit card information once authorized charges are made. There is no such thing as having a credit card "on file".

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

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

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

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

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

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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METCALFE TOWER, 1550 METCALFE STREET
SUITE 800
MONTREAL QC H3A-1X6 CA CANADA

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of :
Fiechter, et al. :
Application No.: 12/163,714 :
Filed: June 27, 2008 :
Attorney Docket No.: 3745-016 :

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(A)

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed December 1, 2008.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, James A. Kitchen, 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.

Regarding fees: Petitioners have submitted a $65.00 surcharge, a $200.00 petition fee, and a $65.00 one month extension of time fee. However, a three month extension of time fee is due. In order for the Rule 47(a) petition to be timely filed, an extension covering up to December 1, 2008 is required. The Rule 47(a) petition was not technically filed until the $200.00 Rule 47(a) petition fee was paid. Pursuant to petitioners' authorization, deposit account no. 50-3436 will be charged the $490.00 balance due. ($555.00 – $65.00= $490.00)

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

Commissioner for Patents
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Alexandria, VA 22313-1450
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JAMES A. KITCHEN
1204 FOREST LANE
ANNISTON AL 36207

RECEIVED
DEC 19 2008
OFFICE OF PETITIONS

In re Application of Fiechter, et al. Application No.: 12/163,714 Filed: June 27, 2008 Attorney Docket No.: 3745-016	: : : : :	LETTER

Dear Mr. Kitchen:

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: BROUILLETTE & PARTNERS
METCALFE TOWER, 1550 METCALFE STREET
SUITE 800
MONTREAL QC H3A-1X6 CA CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

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Fernandez & Associates, LLP
1047 El Camino Real
Suite 201
Menlo Park, CA 94025

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APR 02 2009

OFFICE OF PETITIONS

In re Application of	:	
Naveen Nalam	:	
Application No. 12/163,749	:	DECISION ON PETITION
Filed: June 27, 2008	:	TO WITHDRAW
Attorney Docket No. CERT-PO12	:	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, 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 Dennis S. Fernandez and all attorneys/agents associated with customer number 22877 have been revoked by the assignee of the patent application on February 12, 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 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: Quantcast/Fenwick
Silicon Valley Drive Center
801 California Street
Mountain View, CA 94041

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JUN 10 2010

OFFICE OF PETITIONS

YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of	:	
Brian A. Webb, et. al.	:	
Application No. 12/163,754	:	DECISION ON PETITION
Filed: June 27, 2008	:	TO WITHDRAW FROM
Attorney Docket No. 085804-716000	:	RECORD

This is a decision on the request to withdraw as attorney or agent of record under 37 CFR §§ 1.36(b), or 10.40 filed March 25, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that the power of attorney to Robert A. Saltzberg and all the attorneys/agents associated with Customer Number 76102 has been revoked by the assignee of the above application on April 19, 2010. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

All future communications from the Office will be directed to the new correspondence address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

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MAR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Martin Stephen Lyons and Robert Linley Muir	:	DECISION GRANTING STATUS
Application No. 12/163,756	:	UNDER 37 CFR 1.47(a)
Filed: June 27, 2008	:	
Attorney Docket No. P01011 (199770US01)	:	

This is in response to the petition under 37 CFR 1.47(a), filed February 17, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Lyons 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.

Pursuant to petitioner's request deposit account no. 13-0017 has been charged the $200.00 petition fee.

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAR 27 2009

OFFICE OF PETITIONS

Marin Stephen Lyons
122 Victoria Road
Baconsfield, NSW 2015
Australia

In re Application of
Martin Stephen Lyons and Robert Linley Muir
Application No. 12/163,756
Filed: June 27, 2008
Attorney Docket No. P01011 (199770US01)
For: Gaming System and a Method of Gaming

Dear Mr. Lyons:

You are named as a co-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 co-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: MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

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United States Patent and Trademark Office
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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of
KENDALL, Mark A. F. et al.
Application No. 12/163,798
Filed: June 27, 2008
Attorney Docket No. **KEMP-002CON**

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 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 Karl Bozicevic on behalf of all attorneys of record who are associated with customer No. 24353. All attorneys/agents associated with the Customer Number 24353 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **MARK A. F. KENDALL**
POWDERJECT RESEARCH LIMITED
THE OXFORD SCIENCE PARK
4 ROBERT ROBINSON AVENUE
OXFORD OX4 4GA
UNITED KINGDOM

cc: **DR. RICHARD PEET**
FOLEY & LARDNER LLP
WASHINGTON HARBOUR
3000 K STREET NW SUITE 500
WASHINGTON DC 20007-5143

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.
12/163,821	06/27/2008	Steven J. Visco	PLUSP049	9297

22434 7590 06/16/2010
Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER
SCHMIDT, EMILY LOUISE

ART UNIT	PAPER NUMBER
3767	

NOTIFICATION DATE	DELIVERY MODE
06/16/2010	ELECTRONIC

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

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

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

USPTO@wavsip.com

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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Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

In re Application of	:	
VISCO, STEVEN J. et al	:	DECISION ON REQUEST TO
Application No. 12/163,821	:	PARTICIPATE IN PATENT
Filed: June 27, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. PLUSP049	:	PROGRAM AND PETITION
For: ELECTROTRANSPORT DEVICES,	:	37 CFR 1.102(d)
METHODS AND DRUG ELECTRODE ASSEMBLIES		

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 14, 2010 to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Kevin Sermons, the SPE of Art Unit 3767, and 571-272-4965 for Class 604/20 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

The application will be docketed to an 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.

The petition is **granted.**

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SAWYER LAW GROUP LLP
2465 E. BAYSHORE ROAD, SUITE NO. 406
PALO ALTO, CA 94303

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Brett A. HEALD, et al	:	
Application No. 12/163,841	:	DECISION ON PETITION
Filed: June 27, 2008	:	TO WITHDRAW
Attorney Docket No. 8-13069/4478P	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 23, 2009.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the act noted above at item 1 has been performed.

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: CUMMINS INC.,
ATTN: INTELLECTUAL PROPERTY GROUP,
500 JACKSON STREET
COLUMBUS, IN 47201

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.
12/163,842	06/27/2008	Tooru MAMATA	SUTOSH.228AUS	9327

7590 03/08/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
WU, DANIEL J

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
03/08/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell
Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
12/163,847	06/27/2008	Terumasa NAGASAKI	SUTOSH.227AUS	9335

7590 11/19/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
ARCIERO, ADAM A

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
11/19/2009	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

Refund Ref:
11/19/2009 0030076952

Credit Card Refund Total: $510.00

Master C: XXXXXXXXXXXX5583

Adjustment date: 11/19/2009 NFARMER
06/30/2008 INTEFSW 00004392 12163847
02 FC:1111 -510.00 UP

FORM PET651G (Rev. 08/07)

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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.
12/163,890	06/27/2008	Emi Maruyama	TOTOSH.027AUS	9395

7590 11/10/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
BANKS HAROLD, MARSHA DENISE

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
11/10/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref:
11/09/2009 2032076502

Credit Card Refund Total: $510.00

Master #: XXXXXXXXXXXX5563

Adjustment date: 11/09/2009 NFARKER
06/30/2008 INTEFSU 00004582 12163890
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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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Fountainhead Law Group P.C.
Chad R. Walsh
900 LAFAYETTE STREET
SUITE 301
SANTA CLARA, CA 95050

Mail Date: 06/10/2010

Applicant	: Yuval Gilboa	: DECISION ON REQUEST FOR
Patent Number	: 7636895	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/163,897	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/163,932	06/27/2008	Emi MARUYAMA	TOTOSH.028AUS	9477

7590 11/10/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
11/10/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/09/2009 2022376583

Credit Card Refund Total: $510.00

Master C: XXXXXXXXXXXX5583

Adjustment date: 11/09/2009 NFARMER
06/30/2008 INTEFSW 00004790 12163932
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
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Date: 03/15/10

Patent No. : 7656232 B2
Ser. No. : 12/163,933
Inventor(s) : KIM, CHANG SUN
Issued : 02/02/10
Title : **WIDEBAND VARIABLE GAIN AMPLIFIER WITH CLIPPING FUNCTION**
Docket No. : **8111-101-999**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Lamonte M. Newsome

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 756-1574 or (703) 305-8309

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

LMN

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

JUL 06 2010

OFFICE OF PETITIONS

In re Patent No. 7,656,232 :
Issue Date : February 2, 2010 :
Application No. 12/163,933 : ON PETITION
Filed: June 27, 2010 :
Attorney Docket No. 8111-101-999 :

This is a decision on the petition filed May 7, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Diane C. Goodwyn at (571) 272-6735. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Thurman K. Page
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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P.O. Box 1450
Alexandria, VA 22313-1450
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

MAR 2 6 2010

OFFICE OF PETITIONS

In re Application of	:	
Kwan-Woo Do, et al.	:	
Application No. 12/163,937	:	DECISION GRANTING PETITION
Filed: June 27, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 00939H-171100US	:	

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 February 17, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2822 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEMAIRE PATENT LAW FIRM, P.L.L.C.
P.O. BOX 1818
BURNSVILLE, MN 55337

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AUG 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Zalman M. Shapiro	:	
Application No. 12/163,980	:	DECISION ON PETITION
Filed: June 27, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 5056.004US1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 27, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 16 2010

OFFICE OF PETITIONS

PERMAN & GREEN, LLP
99 HAWLEY LANE
STRATFORD CT 06614

In re Application of	:	
Jairo MOURA, et al	:	
Application No. 12/163,993	:	DECISION ON PETITION
Filed: June 27, 2008	:	
Docket No. 390P012912-US (PAR)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 21, 2009, which set a shortened statutory period for reply of **three (3) months.** A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 22, 2010.

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

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

This application is being referred to Technology Center AU 2834 for appropriate action by the Examiner in the normal course of business.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

APR 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Jae Won Cha, et al.	:	
Application No. 12/164,008	:	DECISION GRANTING PETITION
Filed: June 28, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 00939C-172200US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, April 7, 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 1, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 4175 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

Terri Johnson
Petitions Examiner
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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A PATENT LAWYER CORP, PLC
R WILLIAM GRAHAM
22 S ST CLAIR ST
DAYTON, OH 45402

MAILED

APR 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Michael Jeffrey Turner	:	DECISION ON PETITION
Application No. 12/164,042	:	TO WITHDRAW
Filed: June 28, 2008	:	FROM RECORD
Attorney Docket No. None	:	

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 12, 2010.

The request is **APPROVED**.

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

The request was signed by R. William Graham on behalf of all practitioners of record who are associated with Customer Number 25179.

All attorneys/agents associated with the Customer Number 25179 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the sole inventor, Michael Turner at the address indicated below.

There is an outstanding Office action mailed December 17, 2009 that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: MICHAEL TURNER
18608 SADDLE RIVER DR.
EDMOND, OK 73012

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
12/164,042	06/28/2008	Michael Jeffrey Turner	

CONFIRMATION NO. 9666

POWER OF ATTORNEY NOTICE

OC000000041151982

25179
A PATENT LAWYER CORP, PLC
R WILLIAM GRAHAM
22 S ST CLAIR ST
DAYTON, OH 45402

Date Mailed: 04/16/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/12/2010.

- 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

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

DOROTHY S. MORSE
515 PARK DRIVE, NW
BRADENTON FL 34209

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JUL 21 2008

OFFICE OF PETITIONS

In re Application of
FIGURA, John J. et al.
Application No. 12/164,050
Filed: June 28, 2008
Attorney Docket No. **0806-FIGU**

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 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 copy of the inventor's driver's license as evidence that John J. Figura 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. This application will be accorded "special" status when pre-examination processing is done.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAMPEL & ASSOCIATES, P.C.
555 SKOKIE BLVD., SUITE 500
NORTHBROOK, IL 60062

MAILED

NOV 19 2009

OFFICE OF PETITIONS

In re Application of	:	
William Pittman	:	
Application No. 12/164,060	:	DECISION ON PETITION
Filed: June 29, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PIT-P-08-001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 24, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes a statement from Inventor William Pittman 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 1794 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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SUZANNE EREZ
IBM CORPORATION, TJ WATSON RESEARCH CENTER
INTELLECTUAL PROPERTY LAW DEPT.
P.O. BOX 218
YORKTOWN HEIGHTS NY 10598

COPY MAILED

JUL 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Roy Emek et al.	:	
Application No. 12/164,123	:	DECISION ON PETITION
Effective Date: June 30, 2008	:	
Attorney Docket No. IL920040050US2	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed July 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) was obtained. Accordingly, the application became abandoned on September 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 drawings, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Corrected Application Papers is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Newton Edwards at 571-272-6052 or in his absence to the undersigned at 571-272-7099.

This application is being referred to The Office of Data Management for further processing.

David Bucci
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,145	06/30/2008	Laurent Bonnet	231443	9866

7788 7590 02/17/2010
GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY, NY 12345

EXAMINER
LOOK, EDWARD K

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
02/17/2010	PAPER

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

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

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GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

In re Application of	:	
BONNET, LAURENT	:	DECISION ON PETITION
Application No. 12/164,145	:	TO MAKE SPECIAL UNDER
Filed: June 30, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 231443	:	PILOT PROGRAM
Title: WIND TURBINE BLADES WITH MULTIPLE CURVATURES		

This is a decision on the petition under 37 CFR 1.102, filed December 17, 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 and #5.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 416/242) 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.

In regard to item 5, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. The statement provided fails to explain how the present invention materially contributes to the development of renewable energy resources or energy conservation.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. The application is being forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,145	06/30/2008	Laurent Bonnet	231443	9866

7788 7590 06/30/2010
GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY, NY 12345

EXAMINER
LOOK, EDWARD K

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
06/30/2010	PAPER

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

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

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C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

In re Application of	:	
BONNET, LAURENT	:	DECISION ON PETITION
Application No. 12/164145	:	TO MAKE SPECIAL UNDER
Filed: June 30, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 231443	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 21, 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 **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 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 instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/ Henry C. Yuen /

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,158	06/30/2008	Robert G. Wagoner	230273	9896

7788 7590 02/19/2010
GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY, NY 12345

EXAMINER
GONZALEZ, JULIO C

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
02/19/2010	PAPER

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

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C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

In re Application of	:	
Wagoner et al	:	DECISION ON PETITION
Application No. 12/164,158	:	TO MAKE SPECIAL UNDER
Filed: 30 June 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 230273	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 17 December 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,188	06/30/2008	Harri HARMA	TUR-206	9950

32954 7590 04/02/2010
JAMES C. LYDON
100 DAINGERFIELD ROAD
SUITE 100
ALEXANDRIA, VA 22314

EXAMINER
COUNTS, GARY W

ART UNIT	PAPER NUMBER
1641	

MAIL DATE	DELIVERY MODE
04/02/2010	PAPER

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

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APR 0 2 2010

JAMES C. LYDON
100 DAINGERFIELD ROAD
SUITE 100
ALEXANDRIA VA 22314

In re Application of:	:
Harma et al.	:
Serial No.: 12/164,188	: PETITION DECISION
Filed: June 30, 2008	:
Attorney Docket No.: **TUR-206**	:

This is in response to the petition under 37 CFR § 1.181, filed January 21, 2010, requesting that the finality of the Office action of December 29, 2009 be withdrawn.

BACKGROUND

The examiner mailed a non-final Office action on April 30, 2009 setting a three month statutory limit for reply. At the time of this non-final Office action, claims 1-14 were pending. The examiner rejected claim 1-14 under 35 USC 112, second paragraph, as indefinite. Claims 1 and 11-14 were rejected under 35 USC 102 (b) as being anticipated by McVicker et al in light of Bergmann. Claims 1-3 and 11-14 were rejected under 35 USC 103 (a) as being unpatentable over Prober et al. in view of McVicker et al. Claims 4, 6 and 7 were rejected under 35 USC 103 (a) as being unpatentable over Prober et al. in view of McVicker et al. as applied to claims 1-3 and 11-14 above, and further in view of Saunders et al. Claim 5 was rejected under 35 USC 103 (a) as being unpatentable over Prober et al. in view of McVicker et al. as applied to claims 1-3 and 11-14 above, and further in view of Singh et al. Claim 8 was rejected under 35 USC 103 (a) as being unpatentable over Prober et al. in view of McVicker et al. as applied to claims 1-3 and 11-14 above, and further in view of Nelson et al. Claim 9 was rejected under 35 USC 103 (a) as being unpatentable over Prober et al. in view of McVicker et al. as applied to claims 1-3 and 11-14 above, and further in view of Ullman et al. Claim 10 was rejected under 35 USC 103 (a) as being unpatentable over Prober et al. in view of McVicker et al. as applied to claims 1-3 and 11-14 above, and further in view of Davies et al. Claims 2-14 were objected to because of informalities.

In reply to the non-final Office action of April 30, 2009, applicants filed a response on September 30, 2009. The response submitted by applicants included remarks, arguments traversing the rejections made in the non-final Office action and amendments to the claims.

On December 29, 2009, the examiner mailed a final Office action setting a three month statutory limit for reply. At the time of this final Office action, claims 1 and 4-16 were pending. The examiner rejected claim 1 and 4-14 under 35 USC 112, second paragraph, as indefinite. Claims 1, 4, 9, 11 and 15 were rejected under 35 USC 102 (b) as being anticipated by Guo et al. Claim 5 was rejected under 35 USC 103 (a) as being unpatentable over Guo et al. in view of Singh et al. Claim 6 was rejected under 35 USC 103 (a) as being unpatentable over Guo et al. in view of Saunders et al. Claim 8 was rejected under 35 USC 103 (a) as being unpatentable over Guo et al. in view of Nelson et al. Claims 10 and 16 were rejected under 35 USC 103 (a) as being unpatentable over Guo et al. in view of Giakos et al. Claims 12-13 were rejected under 35 USC 103 (a) as being unpatentable over Guo et al. in view of Buranda et al. Claim 14 was rejected under 35 USC 103 (a) as being unpatentable over Guo et al. in view of Buranda et al. as applied to claims 1, 4, 9, 11-13 and 15 above, and further in view of Van Wagenen et al.

In response thereto, applicants filed this petition on January 21, 2010, requesting that the finality of the Office action of December 29, 2009 be withdrawn.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed by applicants on January 21, 2010, applicants request that the finality of the Office action of December 29, 2009 be withdrawn. Applicants argue the "amendment did not necessitate the new anticipation rejection based on a newly-cited reference, or the three new obviousness rejections based on combinations of newly-cited references. The Examiner is not permitted to shift the basis of his rejections *and* make the second Official Action "final". The finality of the second Official Action is premature, because no clear issue has been developed between the Examiner and the Applicants." Applicants also argue the "Amendment did not enlarge the scope of claims i, 4, 9, 11 and 15. Instead, the Amendment made changes (i) suggested by the examiner to overcome claim objections and (2) to address informalities noted in an *indefiniteness* rejection. The Applicant's Amendment did not make a change which necessitated citation of Guo et al."

It is pointed out that applicants' amendment to claim 1 after first Office action wherein the "optionally" step was deleted, thereby requiring a "substance containing a second signal" does, in fact, change the scope of claim 1. However, since original claim 9 required that limitation, the examiner should have examined the claims to the extent that a second signal was required in the first Office action. Furthermore, the examiner has raised a new 112, second paragraph, rejection over claim language that was present in the original claims (i.e. determining concentration, charge and/or unit size of a substance to be analyzed". Thus, the new grounds of rejection were not necessitated by the present amendment with respect to the aforementioned rejection under

112, second paragraph or the rejections set forth in the Office action over Guo et al. taken alone or in combination with other references.

Accordingly, applicants' amendments did not necessitate the new rejection. MPEP § 706.07 recites:

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).
>
> Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

Thus, it is *not* proper for an office action to be made final when the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c).

DECISION

The petition is **GRANTED.**

The Office action mailed December 29, 2009 is hereby vacated to the extent that it was made "final" and the Office action is now considered to be a non-final Office action. The after final amendment of March 29, 2010 will also be entered. This application will be forwarded to the examiner to take an action consistent with the decision herein.

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.

George C. Elliott

George Elliott
Director, Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,188	06/30/2008	Harri HARMA	TUR-206	9950

32954 7590 04/12/2010
JAMES C. LYDON
100 DAINGERFIELD ROAD
SUITE 100
ALEXANDRIA, VA 22314

EXAMINER
COUNTS, GARY W

ART UNIT	PAPER NUMBER
1641	

MAIL DATE	DELIVERY MODE
04/12/2010	PAPER

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

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APR 1 2 2010

JAMES C. LYDON
100 DAINGERFIELD ROAD
SUITE 100
ALEXANDRIA VA 22314

In re Application of:	:
Harma et al.	:
Serial No.: 12/164,188	: PETITION DECISION
Filed: June 30, 2008	:
Attorney Docket No.: **TUR-206**	:

This is in response to the petition under 37 CFR § 1.181, filed January 21, 2010, requesting that the finality of the Office action of December 29, 2009 be withdrawn.

BACKGROUND

The examiner mailed a non-final Office action on April 30, 2009 setting a three month statutory limit for reply. At the time of this non-final Office action, claims 1-14 were pending. The examiner rejected claim 1-14 under 35 USC 112, second paragraph, as indefinite. Claims 1 and 11-14 were rejected under 35 USC 102 (b) as being anticipated by McVicker et al in light of Bergmann. Claims 1-3 and 11-14 were rejected under 35 USC 103 (a) as being unpatentable over Prober et al. in view of McVicker et al. Claims 4, 6 and 7 were rejected under 35 USC 103 (a) as being unpatentable over Prober et al. in view of McVicker et al. as applied to claims 1-3 and 11-14 above, and further in view of Saunders et al. Claim 5 was rejected under 35 USC 103 (a) as being unpatentable over Prober et al. in view of McVicker et al. as applied to claims 1-3 and 11-14 above, and further in view of Singh et al. Claim 8 was rejected under 35 USC 103 (a) as being unpatentable over Prober et al. in view of McVicker et al. as applied to claims 1-3 and 11-14 above, and further in view of Nelson et al. Claim 9 was rejected under 35 USC 103 (a) as being unpatentable over Prober et al. in view of McVicker et al. as applied to claims 1-3 and 11-14 above, and further in view of Ullman et al. Claim 10 was rejected under 35 USC 103 (a) as being unpatentable over Prober et al. in view of McVicker et al. as applied to claims 1-3 and 11-14 above, and further in view of Davies et al. Claims 2-14 were objected to because of informalities.

In reply to the non-final Office action of April 30, 2009, applicants filed a response on September 30, 2009. The response submitted by applicants included remarks, arguments traversing the rejections made in the non-final Office action and amendments to the claims.

On December 29, 2009, the examiner mailed a final Office action setting a three month statutory limit for reply. At the time of this final Office action, claims 1 and 4-16 were pending. The examiner rejected claim 1 and 4-14 under 35 USC 112, second paragraph, as indefinite. Claims 1, 4, 9, 11 and 15 were rejected under 35 USC 102 (b) as being anticipated by Guo et al. Claim 5 was rejected under 35 USC 103 (a) as being unpatentable over Guo et al. in view of Singh et al. Claim 6 was rejected under 35 USC 103 (a) as being unpatentable over Guo et al. in view of Saunders et al. Claim 8 was rejected under 35 USC 103 (a) as being unpatentable over Guo et al. in view of Nelson et al. Claims 10 and 16 were rejected under 35 USC 103 (a) as being unpatentable over Guo et al. in view of Giakos et al. Claims 12-13 were rejected under 35 USC 103 (a) as being unpatentable over Guo et al. in view of Buranda et al. Claim 14 was rejected under 35 USC 103 (a) as being unpatentable over Guo et al. in view of Buranda et al. as applied to claims 1, 4, 9, 11-13 and 15 above, and further in view of Van Wagenen et al.

In response thereto, applicants filed this petition on January 21, 2010, requesting that the finality of the Office action of December 29, 2009 be withdrawn.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed by applicants on January 21, 2010, applicants request that the finality of the Office action of December 29, 2009 be withdrawn. Applicants argue the "amendment did not necessitate the new anticipation rejection based on a newly-cited reference, or the three new obviousness rejections based on combinations of newly-cited references. The Examiner is not permitted to shift the basis of his rejections *and* make the second Official Action "final". The finality of the second Official Action is premature, because no clear issue has been developed between the Examiner and the Applicants." Applicants also argue the "Amendment did not enlarge the scope of claims i, 4, 9, 11 and 15. Instead, the Amendment made changes (i) suggested by the examiner to overcome claim objections and (2) to address informalities noted in an *indefiniteness* rejection. The Applicant's Amendment did not make a change which necessitated citation of Guo et al."

It is pointed out that applicants' amendment to claim 1 after first Office action wherein the "optionally" step was deleted, thereby requiring a "substance containing a second signal" does, in fact, change the scope of claim 1. However, since original claim 9 required that limitation, the examiner should have examined the claims to the extent that a second signal was required in the first Office action. Furthermore, the examiner has raised a new 112, second paragraph, rejection over claim language that was present in the original claims (i.e. determining concentration, charge and/or unit size of a substance to be analyzed". Thus, the new grounds of rejection were not necessitated by the present amendment with respect to the aforementioned rejection under

112, second paragraph or the rejections set forth in the Office action over Guo et al. taken alone or in combination with other references.

Accordingly, applicants' amendments did not necessitate the new rejection. MPEP § 706.07 recites:

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).
>
> Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

Thus, it is *not* proper for an office action to be made final when the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c).

DECISION

The petition is **GRANTED.**

The Office action mailed December 29, 2009 is hereby vacated to the extent that it was made "final" and the Office action is now considered to be a non-final Office action. The after final amendment of March 29, 2010 will also be entered. This application will be forwarded to the examiner to take an action consistent with the decision herein.

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.

George C. Elliott

George Elliott
Director, Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,207	06/30/2008	Parijat Dube	YOR920080124US1	9983

48915 7590 07/30/2008
CANTOR COLBURN LLP-IBM YORKTOWN
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

ART UNIT	PAPER NUMBER
3625	

MAIL DATE	DELIVERY MODE
07/30/2008	PAPER

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

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

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JUL 29 2008

TECHNOLOGY CENTER 3600

CANTOR COLBURN LLP-IBM YORKTOWN
20 Church Street
22nd Floor
Hartford CT 06103

In re application of
Dube et al.
Application No. 12/164,207
Filed: June 30, 2008
For: METHOD AND SYSTEM FOR AUCTION OF ASSETS WITH NON-EXCLUSIVITY OF USE

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

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 field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

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

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

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5, II.5.1 and II.5.2.

Condition II.5 requires the petition include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search. In the instant application, the Dialog search does not appear to have used the correct syntax for the database queries, thereby most likely resulting in inaccurate search results. For example, two of the Dialog search queries utilize the "near5" syntax, which is not proper for Dialog. Applicant should update the Dialog search query with the proper syntax, which would be "(5n)."

Regarding Condition II.5.1, it is required that Applicant's search involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement. Applicant did not search most of the database files required by the search template. Applicant is reminded that search templates, specific to each class/subclass, may be found at http://www.uspto.gov/web/patents/searchtemplates/. For example, the instant application is best classified in 705/27. Looking toward the available search templates and recommended areas of search for class 705/27 (see http://www.uspto.gov/web/patents/searchtemplates/class705-026.htm) some of the more relevant search areas would include a text search in the listed Non-Patent Literature database files. A comprehensive list of recommended database files is found on the 705/27 search template web page as well. Especially relevant to the claimed subject matter are database files such as:

ABI/INFORM
ACM Digital Library
Business & IndustryTM (B&I)
Business Wire
Dialog Global Reporter
EBSCOhost Research Databases
Examiner's Electronic Digest Database
Gale Group Computer DatabaseTM
Gale Group GlobalbaseTM
Gale Group New Product Announcements/Plus (NPA/Plus)

Gale Group Newsletter DatabaseTM
Gale Group PROMT
Gale Group Trade & Industry DatabaseTM
Inside Conferences
Inspec (The Database for Physics, Electronics and Computing)
JSTOR Journals
McGraw-Hill Companies Publications Online
ProQuest Direct
TecInfoSource (formerly SoftBase: Reviews, Companies, and Products)
Wall Street Journal Abstracts

Condition II.5.2 requires the preexamination search be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation. Applicant's searches do not utilize many synonyms, thereby overly narrowing the search queries. For example, no synonyms were used for the words, maximize or revenue. Likewise, many search queries were limited by the phrase, intellectual property; however, intellectual property is not claimed. While searching intellectual property is a good strategy based on the disclosure of Applicant's invention, synonyms for auctioned items should also be employed so as not to overly narrow the search strategies. Additionally, it is suggested to use more truncation in the search queries. For example, "maximize?" could be truncated as "maxim?" to also include the terms maximum or maximizing. Lastly, it does not appear that the payment features of claim 1 were searched. Since Applicant relies on the payment features as contributing to the patentability of the claimed invention (see 9(c) of Support Document), special emphasis should be placed on these details in the search queries.

A recommended search might be executed in all databases of East with the following search queries:

L1: ((auction$3 or bid$4) same (share or sharing or non-exclusiv$3 or exclusiv$3) same (item$1 or asset$1 or product$1))

L2: L1 and ((buyer$1 or bidder$1 or purchaser$1) same pay$5 same (schem$3 or schedul$3 or plan$4 or strateg$3))

L3: L1 and ((maxim$8 or increas$3 or optim$4 or enhance$6 or promot$4) near5 (revenue$1 or profit$1 or proceed$1))

Please keep in mind that these are non-limiting search suggestions and they are only meant to serve as a possible starting point for Applicant's preexamination search. Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following web site: http://www.uspto.gov/web/patents/accelerated/ Applicant is expected to perform more supplemental searches than the sample search queries listed 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 one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to Robert Weinhardt at (571) 272-6633, or C. Michelle Tarae at (571) 272-6727, both Business Practice Specialists.

C. Michelle Tarae

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

RW/CMT/7/28/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,207	06/30/2008	Parijat Dube	YOR920080124US1	9983

48915 7590 09/24/2008
CANTOR COLBURN LLP-IBM YORKTOWN
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

ART UNIT	PAPER NUMBER
3625	

NOTIFICATION DATE	DELIVERY MODE
09/24/2008	ELECTRONIC

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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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SEP 23 2008

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CANTOR COLBURN LLP-IBM YORKTOWN
20 Church Street
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In re application of
Dube et al.
Application No. 12/164,207
Filed: June 30, 2008
For: METHOD AND SYSTEM FOR AUCTION OF ASSETS WITH NON-EXCLUSIVITY OF USE

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

This is a decision on the petition filed on June 30, 2008 and the supplemental petition documents filed August 29, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

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

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

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

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

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

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

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated

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examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

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

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

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

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

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

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

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

    If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is

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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 C. Michelle Tarae at (571) 272-6727, Business Practice Specialist.

C. Michelle Tarae

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

CMT/9/23/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,277	06/30/2008	Aaron R. Cox	SJO920070098US2	1101

59425 7590 07/24/2008
CANTOR COLBURN LLP - IBM TUSCON DIVISION
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

ART UNIT	PAPER NUMBER
3653	

MAIL DATE	DELIVERY MODE
07/24/2008	PAPER

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JUL 23 2008

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20 Church Street
22nd Floor
Hartford CT 06103

In re application of	:	**DECISION ON PETITION**
Cox et al	:	**TO MAKE SPECIAL FOR**
Application 12/164,277	:	**NEW APPLICATION**
Filed: June 30, 2008	:	**UNDER 37 CFR 1.102**

For: **VERTICALLY MOUNTED PRODUCT LOAD SENSOR FOR A RETAIL CHECKOUT STATION**

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 field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

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

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.2 and II.6.2
With respect to Condition II.5.2, the preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation. Applicant's searches are very broad and do not focus on many of the recited claim details. The search performed in MicroPatent does not include PGPUB file
A recommended search might be executed in all databases of West with the following search queries:

L1: ("point of sale" or (cash adj (register$1 or drawer$1)) or (check or checked or (checking adj out))) near5 (((counter$1 or register$1 or cashregister$1 or checkout or check or checked or checking) adj out) or ECR or (electronic adj cash adj register$1) or (point near2 (sale or sales or sell or sells or selling or service or services or purchase or purchases or transaction or transactions)) or EFTPOS or EPOS or POP or POS or ((sale or sales or sell or sells or selling) near2 (terminal or terminals)) or (vending near2 (machine$ or equipment$ or apparatus or system)) or ((slot or coin) adj (machine$1 or kiosk$ or automate or automated or coin or vendor or coinop))).

L2: scale or (load adj sensor$2) or weighing adj (device or machine or equipment or platform or apparatus or station)

L3: (vertical or stand adj up or wall or standup)

L4: (bag or bags or sack or sacks or container$ or satchels or holder$ or bagging or stuffing or packaging or packager$ or stuffer$)

L5: (strain$ or stress or tensile$ or strength$) same (gauge$ or gage$ or measur$5 or test$3)

L6: (weight$3 or pound$ or lb or lbs or kilos or kilogram$ or gram$1 or kg or kgs)

L7: L1 and l2 and l3 and l4 and l5 and l6

Below is a link provided by the USPTO to the 705 template that is recommended for searching. http://www.uspto.gov/web/patents/searchtemplates/class705-016.htm
Please keep in mind that these are non-limiting search suggestions and they are only meant to serve as a possible starting point for Applicant's preexamination search. Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following web site:
http://www.uspto.gov/web/patents/accelerated/ Applicant is expected to perform more supplemental searches than the sample search queries listed above.

Also with respect to condition II.5.2, the NPL search logic in Dialog is not sufficiently specific to the limitations claimed. These searches appear to broadly encompass the general art in which the claims might be found, but do not contain words or logic that specifically focus the searches towards the "broadest reasonable interpretation" of the claimed subject matter.

Also with respect to condition II.5.2, the NPL search logic in ep.espacenet.com/advancedsearch is not sufficiently specific to the limitations claimed. There is no indication of which files were searched on ep.espacenet.com/advancedsearch. These searches appear to broadly encompass the general art in which the claims might be found, but do not contain words or logic that specifically focus the searches towards the "broadest reasonable interpretation" of the claimed subject matter.

Also with respect to condition II.5.2, the NPL database search outlined in the Search Document is not sufficient to be said to encompass all the features of the claims. The USPTO website has search templates that are broken down by class and subclass and provide a listing of the databases to be searched when dealing with claimed subject matter in those classifications at: http://www.uspto.gov/web/patents/searchtemplates/searchtemplates/htm

Regarding Condition II.6.2, Applicant fails to map out each claim limitation to all of the references cited on the submitted Information Disclosure Statement. This should be done for each claim as it pertains to each reference cited on the IDS. If Applicant feels that certain references are less relevant to the patentability determination of the claimed invention and, therefore, would prefer not to map these references in detail to each claim limitation, then Applicant may submit an IDS that is designated as the IDS pertinent to the Accelerated Examination petition. Less relevant references may be cited on a separate IDS.
Specific guidance regarding the proper content of an IDS submitted with a Petition for Accelerated Examination may be found at http://www.uspto.gov/web/patents/accelerated/ae_faq_091207.pdf (see pages 1-3 in particular). Additionally, Applicant must map out each reference on the Accelerated Examination-specific IDS to the dependent claim limitations as well as to those recited in the independent claims. Applicant has not specifically addressed the dependent claims. The following USPTO website has information concerning the procedures for filing a support document that includes an IDS in compliance with 37 CFR 1.98
http://www.uspto.gov/web/patents/accelerated/ae_faq.htm

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be

granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633, or Romain Jeanty, Primary Examiner, at (571) 272-6732.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/RJ/ 7/14/08

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,277	06/30/2008	Aaron R. Cox	SJO920070098US2	1101

59425 7590 09/29/2008
CANTOR COLBURN LLP - IBM TUSCON DIVISION
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

ART UNIT	PAPER NUMBER
3653	

NOTIFICATION DATE	DELIVERY MODE
09/29/2008	ELECTRONIC

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

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

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

usptopatentmail@cantorcolburn.com

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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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MAILED
FROM DIRECTORS OFFICE

SEP 26 2008

TECHNOLOGY CENTER 3600

CANTOR COLBURN LLP – IBM TUSCON DIVISION
20 Church Street
22nd Floor
Hartford, CT 06103

In re application of
Cox et al.
Application No. 12/164,277
Filed: June 30, 2008
For: VERTICALLY MOUNTED PRODUCT LOAD SENSOR FOR A RETAIL CHECKOUT STATION

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

This is a decision on the petition filed on June 30, 2008 and the supplemental petition documents filed August 20, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

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

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

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

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

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

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

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated

examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

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

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

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

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

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

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

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

    If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is

involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633, or C. Michelle Tarae, Business Practice Specialist, at (571) 272-6727. Inquires may also be directed to Jamisue Plucinski at (571) 272-6811.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/JP/9/23/08

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,293	06/30/2008	John M. Lance	CAM920070183US2	1125

63606 7590 02/03/2009
CANTOR COLBURN LLP - IBM BOCA RATON
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
CHOW, DOON Y

ART UNIT	PAPER NUMBER
4152	

NOTIFICATION DATE	DELIVERY MODE
02/03/2009	ELECTRONIC

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

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

usptopatentmail@cantorcolburn.com

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CANTOR COLBURN LLP - IBM BOCA RATON
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of: LANCE, JOHN M. ET AL. Serial No.: 12/164,293 Filed: June 30, 2008 Docket: CAM920070183US2 Title: METHOD OF FLEXIBLY BLOCKING OUT BUSY-TIME IN CALENDARS	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 GRANTED.

It is noted that the following class/subclasses included in the preexamination search document's identification of the field of search by U.S. class and subclass no longer exist: 395/157, 159, 161; 364/401; and 707/500, 513. The petitioner's representative, Howard Levy indicated telephonically on January 27, 2009 that these class and subclasses were not intended to be included in the classification search.

Regarding the Showing of Support under 35 USC 112, first paragraph, Mr. Levy clarified that the limitation, "a title field in which the user specifies a title for a time block occurring within the time represented by the first icon or the one or more of the set of second icons" finds support in paragraphs [0014] - [0015] of the present application. Mr. Levy further clarified the limitation, "a duration field in which the user specifies an amount of time the time block is to last from an unspecified and variable start time to an unspecified and variable end time within the represented time and in accordance with the time resolution and a presence of a previously scheduled item in a calendar of the user" finds support in paragraph [0016] of the present application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal

examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

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

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,318	06/30/2008	Michael John Jones	AUS920080386US1	1165

48150 7590 11/04/2008
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

ART UNIT	PAPER NUMBER
2183	

MAIL DATE	DELIVERY MODE
11/04/2008	PAPER

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

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of:
Michael John Jones
Serial No.: 12/164318
Filed: June 30, 2008
Docket: AUS920080386US1

Title: METHOD OF HANDLING DUPLICATE OR INVALID SERVICE PROCESSOR IDS IN A DISTRIBUTED SERVICE PROCESSOR ENVIRONMENT

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

This is a decision on the petition filed on 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 **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 Corrected Application papers 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,318	06/30/2008	Michael John Jones	AUS920080386US1	1165

81683 7590 06/30/2009
McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road
Suite 200
Vienna, VA 22182-3817

EXAMINER
HUISMAN, DAVID J

ART UNIT	PAPER NUMBER
2183	

MAIL DATE	DELIVERY MODE
06/30/2009	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

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road
Suite 200
Vienna VA 22182-3817

Applicant: Michael John Jones et al.	:	
Application No. 12/164,318	:	Decision On Petition to Make
Filed: June 30, 2008	:	Special under 37 C.F.R. § 1.102 (d)
For: METHOD OF HANDLING	:	and M.P.E.P. § 708.02(a)
DUPLICATE OR INVALID NODE	:	
CONTROLLER IDS IN A	:	
DISTRIBUTED SERVICE PROCESSOR	:	
ENVIRONMENT	:	

This is a decision in response to the submission received on December 3, 2008 requesting review of the decision mailed November 4, 2008, denying accelerated examination status for the instant application. The signatory of the November 4, 2008 decision denying accelerated examination status possessed delegated authority to act on behalf of the Technology Center Director in such matters. Therefore, the petition received on December 3, 2008 is a request for review of a decision of a Technology Center Director. Accordingly, the Office of the Deputy Commissioner for Patent Examination Policy has decision-making authority over Applicant's petition. M.P.E.P. § 1002.02(b)(15).

The petition to reconsider the denial of accelerated examination status for application No. 12/164,318 and to grant such status under 37 CFR 1.102 is **DENIED**.

Background

The above-identified application was filed under 35 U.S.C. § 111(a) on June 30, 2008 accompanied by a petition under 37 CFR 1.102(d) to make the application special under the accelerated examination program. See 71 Fed. Reg. 36,323. The application included Figures 1-4, however, drawing Figure 3 had a line quality that was not in compliance with 37 CFR 1.84(l) and 1.84(p)(1).

On July 3, 2008, the United States Patent and Trademark Office (USPTO) issued a Notice to File Corrected Application Papers. The Notice required Applicant to submit replacement drawings in compliance with 37 CFR 1.84(l) and 1.84(p)(1).

On July 24, 2008, Applicant responded to the notice to file corrected papers by submitting a single sheet of replacement drawing comprising Figure 3.

On November 4, 2008, a decision was mailed by the USPTO denying Applicant's petition to make special. The decision outlined the requirements for accelerated examination pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" (71 Fed Reg. 36323), and cited the existence of an accurate and properly issued "Notice to File Corrected Application Papers" and a failure to submit drawings in compliance with 37 CFR 1.84(l) and 1.84(p)(1) at the time of filing the application on June 30, 2008 as the justification for denying special examination status to the application.

On December 3, 2008, Applicant submitted the instant Petition requesting reconsideration of the November 4, 2008 denial of the petition to make special.

Applicable Regulations and Notice Sections

37 CFR § 1.102 Advancement of Examination

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

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

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

> Part I. Requirements for Petitions to Make Special under Accelerated Examination: *A new application may be granted accelerated examination status under the following conditions:*
>
> ...
>
> (4) The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an executed oath or declaration under 37 CFR 1.63.
>
> ...

Part VIII: More Information:

...

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

...

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, a notice to file missing parts, a *notice to file corrected application papers*, notice of omitted items, or notice of informal application). ***The opportunity to perfect a petition (Part II) <u>does not apply</u> to applications that are not in condition for examination of filing.*** (71 Fed. Reg. 36,323 at 36,327)

Decision

Petitioner requests reconsideration of the USPTO denial to have the current application prosecuted as special accelerated examination. Petitioner does not dispute that the drawings filed with the application on June 30, 2008 were not in compliance with 37 CFR 1.84(l) and 1.84(p)(1). Petitioner requests reconsideration based upon petitioner's assertion that Applicant, in accordance with USPTO request, has complied with the requirements made in the Notice mailed July 3, 2008 by filing Replacement Formal Drawings. Petitioner further asserts that all of the drawings were included in the submission of the application, and the statement made in the November 4, 2008 decision regarding the incomplete application at the time of filing is unreasonable. Finally, petitioner contends that MPEP 708.02 provides that "where a request is defective in one or aspects, applicant will be given an opportunity to perfect the request in a renewed petition to make special".

Under this program, the application must be, "*at the time of filing*" complete under 37 CFR 1.51 and in "*condition for examination*". These requirements include submission of drawings in compliance with 37 CFR 1.84(l) and 1.84(p)(1). As the goal of this program is to advance prosecution of an application to final disposition, as defined by the Office, within 12 months from the date of filing, all applications must meet the requirements of the policy in order to meet the reduced examination time goals. The existence of a "Notice to File Corrected Application Papers" was the evidentiary basis for concluding the application was not in condition for examination. The issuance of the "Notice to File Corrected Application Papers" was proper. Petitioner has responded and corrected the errors. Therefore, Petitioner implicitly acknowledged that the application was not in condition for examination at the time of filing.

Furthermore applicant's reliance on the language of the MPEP 708.02 regarding an opportunity to perfect the petition is not relevant to the fact situation in this application. The section cited by applicant relates to petitions to make special other than those under the accelerated examination program. MPEP 708.02(a) in reference to the accelerated examination program states:

> In those instances in which the petition or accelerated examination support document is defective in one or more requirements, applicant will be given a single opportunity to perfect the petition or accelerated examination support document within a time period of one month (no extensions under 37 CFR 1.136(a)). ***This opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing***. (Emphasis added.)

CONCLUSION

For the above-stated reasons, the petition to reconsider a denial to make special application No. 12/164,318 is **DENIED**. Therefore, the USPTO will examine the above-identified application in accordance with standard examination procedures.

This decision may be viewed as a final agency action under 5 U.S.C. § 704. See MPEP 1002.02.

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

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

Telephone inquiries related to this decision should be directed to Pinchus M. Laufer, Legal Advisor at (571) 272-7726.

Pinchus M. Laufer, Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner for Patent Examination Policy

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,398	06/30/2008	Akira YAMAGUCHI	Q108992	1286

7590 04/08/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
NGUYEN, HOAN C

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
04/08/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/09/2009 BPOWELL
06/30/2008 INTEFSW 00009444 194880 12164398
02 FC:1111 510.00 CR
04 FC:1201 210.00 CR

Replin. Ref: 04/09/2009 BPOWELL 0015103400
DWN:150461 Name/Number:12076509
FC: 9204 $510.00 CR

FORM PET651G (Rev. 08/07)

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,421	06/30/2008	Brent A. Anderson	BUR920080228US1	1319

48150 7590 08/12/2008
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER	
ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
08/12/2008	PAPER

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

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

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8/12/08

CST

In re application of Brent A. Anderson et al Serial No. 12/164,421 Filed: June 30, 2008 For: METHOD AND STRUCTURE FOR FOR CREATING A MULTILAYER MASK (MLM OR MLR) USING MULTIPLE WRITE TOOLS TO MINIMIZE MASK WRITE AND SUBSTRATE COSTS	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on June 30, 2008 to make the above-identified application special under the accelerated examination program.

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

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

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition, section II, subsections 1-5, are considered to have been met. However, the petition fails to comply with condition II, subsection 6.

With respect to the references discussed in the Accelerated Examination Support Document (AESD) on pages 2-10, while petitioner discusses the cited references in detail, petitioner has failed to identify where each and every limitation of the claims are disclosed in the cited references, for example by column and line. Applicant is required to show how the cited references correspond to the present claims, for example by mapping each and every claim limitation to the corresponding teaching in the cited reference.

Similarly, petitioner has not provided a detailed explanation of how claim 1 is patentable over the references cited with particularity. It appears that the detailed explanation of patentability given on page 10 of the AESD generally states that the references cited fail to teach the features of claim 1.

Furthermore, the statement showing support for the present claims on page 10 of the AESD is not sufficient. It is required that petitioner provide a showing of where each limitation of the claim finds support under 35 USC 112, first paragraph, in the written description of the specification. Merely stating that support for the claims, as a whole, is found in the specification is not sufficient.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,421	06/30/2008	Brent A. Anderson	BUR920080228US1	1319

48150 7590 10/15/2008
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
10/15/2008	PAPER

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

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

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CST

10/15/08

In re application of Brent A. Anderson et al Serial No. 12/164,421 Filed: June 30, 2008 For: METHOD AND STRUCTURE FOR FOR CREATING A MULTILAYER MASK (MLM OR MLR) USING MULTIPLE WRITE TOOLS TO MINIMIZE MASK WRITE AND SUBSTRATE COSTS	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the Request for Reconsideration of Petition to Make Special under the Accelerated Examination Program filed on September 12, 2008 to make the above-identified application special.

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 Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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JUL 17 2008
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

CANTOR COLBURN LLP - IBM RESEARCH TRIANGLE PARK
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of:
Paul D. KANGAS et al
Serial No.: 12/164473
Filed: June 30, 2008
Attorney Docket Number: **RPS920080075US1**
Title: **RFID WIRELESS COMPUTER MOUSE**

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 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Eileen Lillis, Quality Assurance Specialist, at (571) 272-6928.

/Eileen D. Lillis/

Eileen D. Lillis
Quality Assurance Specialist
Technology Center 2600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,484	06/30/2008	Rene Helbing	030348.00011	1428

7590 07/22/2010
Attn: Craig A. Gelfound, Esq.
ARENT FOX LLP
555 West Fifth Street, 48th Floor
Los Angeles, CA 90013-1065

EXAMINER
TON, MINH TOAN T

ART UNIT	PAPER NUMBER
2889	

MAIL DATE	DELIVERY MODE
07/22/2010	PAPER

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Attn: Craig A. Gelfound, Esq.
ARENT FOX LLP
555 West Fifth Street, 48th Floor
Los Angeles CA 90013-1065

In re Application of	:	
Rene HELBING	:	DECISION ON PETITION
Application No. 12/164,484	:	TO MAKE SPECIAL UNDER
Filed: 30 June 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 030348.00011	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 08 July 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **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 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 instant petition complies with items 1 – 8 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 2879 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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BATES & BATES, LLC
1270 CAROLINE STREET
SUITE D-120-393
ATLANTA GA 30307

MAILED

JUL 23 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Juszkiewicz, et al. :
Application No. 12/164,513 :
Filed: June 30. 2008 :
Attorney Docket No. 001701/0276 :
For: DIGITAL GUITAR SYSTEM

This is a decision on the petition, filed May 12, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the May 13, 2009 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on August 14, 2009. A Notice of Abandonment was mailed on December 11, 2009.

Applicants have submitted an amendment in reply to the May 13, 2009 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the May 13, 2009 non-final Office action, and the $1,620.00 petition fee.

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.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

The revocation of power of attorney and change of correspondence address, filed May 12, 2010, has been entered and made of record. Please find enclosed a Notice of Acceptance of Power of Attorney. Appropriate notification will be mailed to the former attorneys of record.

After the mailing of this decision, the application will be returned to Technology Center AU 2832 for consideration of the amendment filed on May 12, 2010.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Notice of Acceptance of Power of Attorney

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/164,513	06/30/2008	Henry E. Juszkiewicz	001701/0276

CONFIRMATION NO. 1470

POA ACCEPTANCE LETTER

82264
BATES & BATES, LLC
1270 CAROLINE STREET
SUITE D-120-393
ATLANTA, GA 30307

OC000000042639516

Date Mailed: 07/19/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/12/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/swbrantley/

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.
12/164,532	06/30/2008	Tanveer Syeda-Mahmood	ARC920070039US3	1502

67232 7590 10/01/2008
CANTOR COLBURN, LLP - IBM ARC DIVISION
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
BUSS, BENJAMIN J

ART UNIT	PAPER NUMBER
2129	

NOTIFICATION DATE	DELIVERY MODE
10/01/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

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CANTOR COLBURN, LLP - IBM ARC DIVISION
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of: Tanveer Seyda-Mahmood et al. Serial No.: 12/164,532 Filed: June 30, 2008 Docket: ARC920070039US3 Title: DATA CLASSIFICATION BY KERNEL DENSITY SHAPE INTERPOLATION OF CLUSTERS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on 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 **GRANTED**.

It is noted that the Accelerated Examination Support Document does not include a discussion showing of support under 112 first paragraph for the instant claims in parent application 12/142,949 and grandparent application 11/940,739, from which the instant application claims priority. However, the discussion of support under 112 first paragraph with respect to the instant specification provided in the Support document is equally applicable to parent application 12/142,949 because the references to various paragraph numbers in the instant specification directly correspond to the same paragraph numbers in the parent application. Further, the text of paragraph numbers [0001] through [0048] in application 11/940,739 are identical to that of paragraph numbers [0002] through [0049] respectively, therefore it is clear from the record that the references to various paragraph numbers in the instant specification correspond to respective paragraph numbers in 11/940,739. Thus the statement of support provided in the instant Support document is adequate.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the

amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kakali Chaki at (571) 272-3719.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of:
CHAMPAGNE, STEVEN R.
Serial No.: 12/164,535
Filed: June 30, 2008

Title: **GENERIC MESSAGE COMPOSING FACILITY**

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 are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5 - 5.3, 6.1, 6.2 and 6.5.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in items 5 through 5.3 above, there is no preexamination search document provided with the instant petition. It is noted that the petition to make special document indicates "A statement in compliance with the requirements set forth in item 8 of the instruction sheet detailing the preexamination search was conducted" is associated with an attachment. However, a review of the file indicates such a statement and documentation of a preexamination search is not present. At a minimum the following classes and subclasses need to be searched: class/subclass 704/8.2; 709/202, 230; 715/264, 265; and 717/136-144.

Regarding the requirement in item 6.1 above, there is no IDS statement, including a listing of all patents, publications, applications, or other information submitted for consideration on a separate document. It is noted, in the Examination support document filed under item 9(A), there is a statement that "An Information Disclosure Statement in compliance with 37 CFR 1.98 has been filed herewith citing each of the following references deemed most closely related to the subject matter of the claim". However, a review of the file indicates such a Statement and documentation of an IDS is not present.

Regarding the requirement in item 6.2 above, the Accelerated Examination Support Document is deficient as follows: The support document provides only a broad description of each reference cited in general. However, the petition fails to identify <u>all of the limitations</u> in <u>the claim of the application</u> that is disclosed by the patent and the non patent literature cited and <u>specifying where the limitation is disclosed by each cited reference</u> as required by item 6.2.

Regarding the requirement in item 6.5 above, the "Accelerated Examination Support Document", is deficient because the document fails to include a showing of where ***each limitation of the claim*** finds support under the first paragraph of 35 USC 112 in the written description of the instant specification. Petitioner provides a broad statement that support is shown for the claim and identifies paragraphs [0005 and 0020 – 0024]] of the specification which corresponds to independent claim1 and in Figures 1-3 without providing any indication of a showing where <u>each specific claim limitation</u> finds support in the written description of the specification for the claim. Clarification is required.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5.2 and 5.3 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

DECISION

For the above-stated reasons, the petition is **<u>dismissed</u>**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be

considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

United States Patent and Trademark Office

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of:
CHAMPAGNE, STEVEN R.
Serial No.: 12/164,535
Filed: June 30, 2008

Title: **GENERIC MESSAGE COMPOSING FACILITY**

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 August 20, 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 July 25, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,540	06/30/2008	Chris LOWERY	030348.00013	1513

68543 7590 02/23/2010
Arent Fox LLP
555 West Fifth Street
48th Floor
Los Angeles, CA 90013

EXAMINER
PATEL, NIMESHKUMAR D

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
02/23/2010	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):

LAIPDocket@arentfox.com
Patent_Mail@arentfox.com

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Alexandria, VA 22313-1450
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Arent Fox LLP
555 West Fifth Street
48th Floor
Los Angeles CA 90013

In re Application of	:	
Chris LOWERY	:	DECISION ON PETITION
Application No. 12/164,540	:	TO MAKE SPECIAL UNDER
Filed: 30 June 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 030348.00013	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 14 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 2879 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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Alexandria, VA 22313-1450
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CARLSON, GASKEY & OLDS, P.C./Alcatel-Lucent
400 W MAPLE RD
SUITE 350
BIRMINGHAM MI 48009

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FEB 13 2009

OFFICE OF PETITIONS

In re Application of
Ashish K. Dayama
Application No.: 12/164,566
Filed: June 30, 2008
Attorney Docket No:67108-328PUS1
For: WIRELESS MARIBE COMMUNICATION SYSTEM

: DECISION ACCORDING
: RULE 47(b) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed January 21, 2009.

The petition is **GRANTED**.

The above-identified 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.

The above-cited application was filed on June 30, 2008, and was not accompanied by a proper declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on July 18, 2008, requiring a properly executed declaration and surcharge. The notice allowed an extendable period for reply of two months from its mailing date. The instant petition was filed on January 21, 2009, with a request for an extension of time within the fourth month.

Petitioner has shown that inventor Dayama has constructively refused to join the filing of the above-identified application after having been presented with the application papers. The above-identified 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 addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,577	06/30/2008	Alex Shaikevitch	030348.00014	1567

68543 7590 02/23/2010
Arent Fox LLP
555 West Fifth Street
48th Floor
Los Angeles, CA 90013

EXAMINER
QUARTERMAN, KEVIN J

ART UNIT	PAPER NUMBER
2889	

NOTIFICATION DATE	DELIVERY MODE
02/23/2010	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):

LAIPDocket@arentfox.com
Patent_Mail@arentfox.com

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Arent Fox LLP
555 West Fifth Street
48th Floor
Los Angeles CA 90013

In re Application of	:	
SHAIKEVITCH et al.	:	DECISION ON PETITION
Application No. 12/164,577	:	TO MAKE SPECIAL UNDER
Filed: 30 June 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 030348.00014	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 14 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 2889 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,642	06/30/2008	Karl L. Ladin	ROC920070363US2	1660

59452 7590 10/08/2008
CANTOR COLBURN LLP - IBM ROCHESTER DIVISION
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

ART UNIT	PAPER NUMBER
2825	

NOTIFICATION DATE	DELIVERY MODE
10/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

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CANTOR COLBURN LLP - IBM ROCHESTER DIVISION
20 Church Street, 22nd Floor
Hartford, CT 06103

In re Application of: LADIN *et al.* Serial No.: 12/164,642 Filed: June 30, 2008 Title: **SYSTEMS AND METHODS INVOLVING DESIGNING INTEGRATED CIRCUITS**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the 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 dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1-4; II.5.1-5.3, 6 and 6.1- 6.6, above are considered to have been met. However, the petition fails to comply with conditions section II, subsection 5, above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

In order to meet the requirement of section II, subsection 5, the preexamintion search provided appears to be lacking. The following class and subclass should be include in the search: 716/12 and 716/13. In addition, it is suggested that the following search logic be included:

shield$ with (different near2 (level or layer))
shield$ and ((net or segment) with (different near2 (level or layer))
shield with ((first adj2 (level or layer)) and (second adj2 (level or layer)))
shield$ with (profile or profiling)
((remov$ or delet$) with segment) same shield$
(via with (intersect$ or interconnect$ or connect$)) same shield$
(via with (different near2 (level or layer))) same shield$
(via with ((first adj2 (level or layer)) and (second adj2 (level or layer)))) same shield$.

For the above reason, the petition does not meet the requirements of section II, subsection 5, as set forth above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, 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 Clayton E. LaBalle, Quality Assurance Specialist (QAS), at (571) 272-1594.

Clayton E. LaBalle, QAS

Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,642	06/30/2008	Karl L. Ladin	ROC920070363US2	1660

59452 7590 02/04/2009
CANTOR COLBURN LLP - IBM ROCHESTER DIVISION
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
WHITMORE, STACY

ART UNIT	PAPER NUMBER
2825	

NOTIFICATION DATE	DELIVERY MODE
02/04/2009	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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CANTOR COLBURN LLP - IBM FISHKILL
20 Church Street, 22nd Floor
Hartford, CT 06103

In re Application of:
LADIN *et al.*
Serial No.: 12/164,642
Filed: June 30, 2008
Title: **SYSTEMS AND METHODS INVOLVING DESIGNING INTEGRATED CIRCUITS**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This decision is a reply to the communication filed October 27, 2008, and supplemented on January 16, 2008. The communication and supplement are being treated as a petition requesting reconsideration of the previous decision of October 08, 2008, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed May 07, 2008.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1594.

Clayton E. LaBalle

Clayton E. LaBalle, T-QAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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SEP 11 2009

OFFICE OF PETITIONS

In re Application of :
Jayakannan MANICKAM et al. :
Application No. 12/164,643 :
Received: June 30, 2008 :
Attorney Docket No. U 017363-3 :

DECISION ON PETITION

This is in response to the document entitled "PETITION AND FEE UNDER 37 CFR 1.57(a) TO ADD INADVERTENTLY OMITTED MATERIAL AND REQUEST FOR A FILING DATE AND REFUND OF PETITION FEE" submitted June 15, 2009, requesting that the above-referenced application be accorded a filing date of June 30, 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 30, 2008. However, on June 1, 2009, 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 claim to a composition. 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), where the application includes at least one composition claim, a drawing is not considered essential for a filing date. The instant application includes a composition claim. Therefore, 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 30, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, no petition fee has been charged.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

1. Entry of the filing date as **June 30, 2008**;
2. Correction of Office records, as appropriate, that "**0**" sheets of drawings were present on filing and
3. Issuance of a filing receipt.

Entry of the amendment filed June 15, 2009 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Karen Creasy at (571) 272-3208.

Anthony Knight
Supervisor
Office of Petitions

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OCT 21 2008

In re Application of: HERRING, DEAN F. et al.
Application No.: 12/164,725
Filed: June 30, 2008
Title: CONTROLLING AN AIRFLOW PASSING INTO AN ELECTRONIC COMPONENT CABINET

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 field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.1, 5.3, 6, 6.1, 6.3, 6.4, 6.5, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2 and 6.2 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" herein below, the received papers under consideration include the four page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", the "pre-examination search document" (PESD) including pages 1-5; the "accelerated examination support document" (AESD) comprising pages 1-5, and an Information Disclosure Statement (IDS).

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in the following class/subclasses combinations:

454/184; and

361/690-695

Word search in EAST (or equivalent) database would be:

vent same (two with (cover flap damper door)) same " actuation member"

(electronic with (component cabinet)) same vent same (cover flap damper door) same " actuation member"

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every*

conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.

Petitioner's submission is not specific enough. Petitioner points out some limitations of the claim and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address each discrete limitation (i.e., each single limitation, NOT multiple limitations bundled together) and state where it is (or state that it is not) found in each one of the most closely related prior art. The requirement of section II element 6.2 can be satisfied by listing verbatim ("copy and paste") the presently filed claim (i.e., the claim of the instant application) and by indicating where each discrete limitation (without bundling limitations to the extent possible) of said presently filed claim is taught (or is not taught) in each one of the most closely related references that is cited, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. Claim recitations must be complete. Statements such as "Limitation II(b) – (not disclosed)", i.e., recitations that do not spell out the relevant limitations should be avoided. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. Applicant's attention is drawn to the fact that the requirement of this element calls for a straight mapping of each single limitation unto the prior art. Section II element 6.2 is not the proper venue to imply patentability by bundling limitations and concluding that the combination is not disclosed. Patentability arguments should be made only in response to the requirement of section II element 6.3.

Following the complete mapping of the claim unto the prior art references as suggested above, Petitioner may want to re-visit the patentability arguments made under the requirement of section II element 6.3. This is only a suggestion (not a requirement), that may yield a more detailed and specific argument.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal

of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to J. Harrison, Special Program Examiner, at 571 272-4449.

Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

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NOV 26 2008

In re Application of: HERRING, DEAN F. et al
Serial No.: 12/164725
Filed: June 30, 2008
Title: CONTROLLING AN AIRFLOW PASSING INTO AN ELECTRONIC COMPONENT CABINET

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration filed on October 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The request has been treated as a renewed petition to make the above-identified application special and has been viewed as a supplement to and in combination with the original petition which was filed on June 30, 2008 and dismissed in the Office letter of October 21, 2008.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the conditions as outlined in the prior petition decision. The conditions are not repeated herein.

REVIEW OF FACTS

As stated in the decision of October 21, 2008 conditions I: 1-4, II: 1-5, 5.1 5.3, 6, 6.1, 6.3, 6.4, 6.5, and 6.6 were considered to have been met. However, the petition failed to comply with conditions II: 5.2 and 6.5. Upon reconsideration, the petition is considered to additionally meet II: 5.2 and 6.2. However, the petition still fails to meet the requirement of section II: 6.2. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DISCUSSION

Petitioner failed to satisfy the requirements of condition II: 6.2 because the filing fails to include all the limitations in the claim that are disclosed by the most closely related prior art. For example, with respect to Stoltz, Petitioner proposes the following mapping, reproduced below:

Stolz et al., Albert, U.S. Patent No. 4,007,875

Claim 1

A method of controlling an airflow passing into an electronic component cabinet, the method comprising:

passing an airflow into the electronic component cabinet through a first passage having a first filter **[not taught]**;

sensing a parameter of the airflow passing through the first passage **[not taught]**;

detecting a change in the parameter of the first airflow associated with a flow restriction at the first filter **[not taught]**;

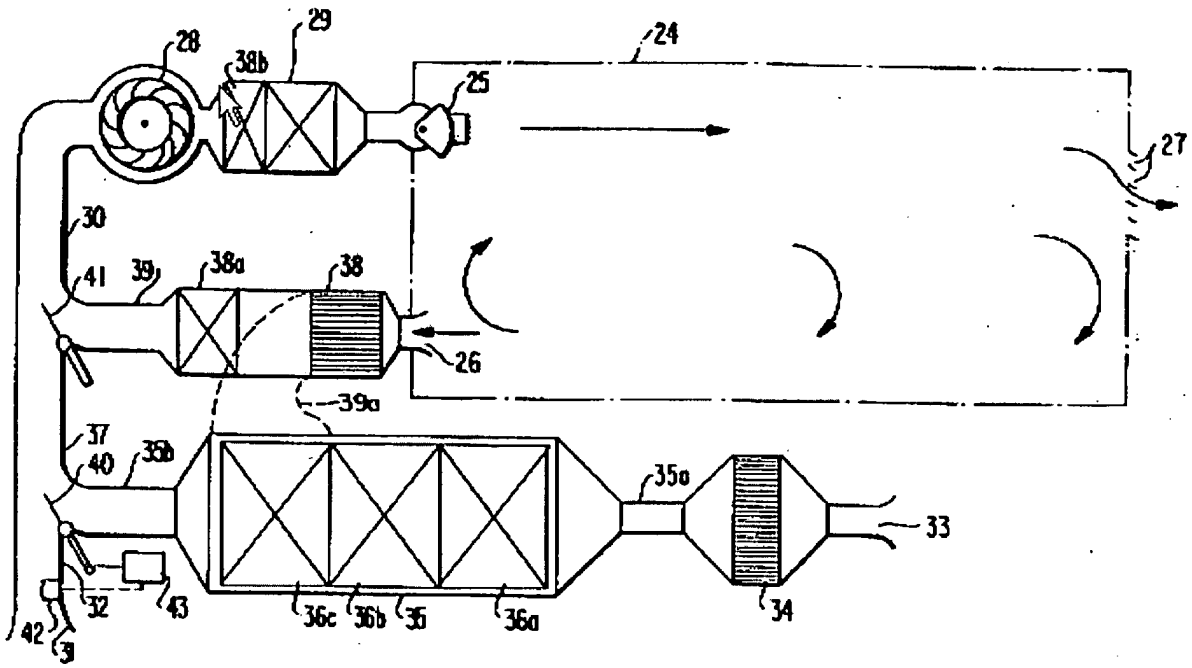
shifting a first flap **[40]** from a first position allowing the airflow to pass unrestricted through the first passage **[35b]**, to a second position, wherein the first flap creates a flow restriction for the airflow passing though the first passage **[see FIG. 3]**, and triggers an actuation mechanism **[not taught]**, the first flap shifting to the second position based on the change in parameter of the first airflow **[not taught]**;

opening a second flap **[41]** that exposes a second passage **[39]** having a second filter **[not taught]** based on the triggering of the actuation mechanism **[not taught]**; and

passing an airflow into the electronic component cabinet through the second passage. **[not taught]**

However, a closer look reveals that some limitations that should have been mapped individually were bundled, when they should not have been, and other limitations apparently were left out altogether.

Stoltz discloses in Fig. 3 the following apparatus, reproduced below, with the proposed mapping following it.



A method of controlling an airflow passing into an electronic component cabinet, the method comprising:

passing an airflow [at 31, 32] into the electronic component cabinet [not taught] through a first passage [31, 32] having a first filter **[not taught];**

sensing a parameter of the airflow [42, additional sensor not shown but disclosed at 37 – see col. 5, l. 64-68] passing through the first passage **[~~not taught~~ 31, 32];**

detecting a change in the parameter of the first airflow [42, additional sensor not shown but disclosed at 37 – see col. 5, l. 64-68] associated with a flow restriction at the first filter **[not taught];**

shifting a first flap [40] from a first position [open] allowing the airflow to pass unrestricted through the first passage ~~[35b]~~ [31, 32], to a second position [closed], wherein the first flap creates a flow restriction for the airflow passing through the first passage [see FIG. 3, 31, 32], and triggers [not taught] an actuation mechanism **[~~not taught~~, 43],** the first flap [40] shifting to the second position [closed] based on the change in parameter of the first airflow **[~~not taught~~,** sensed by the sensor that is not shown, but disclosed at 37 – see col. 5, l. 64-68 together with its function];

opening a second flap [41] that exposes a second passage [39] having a second filter **[~~not taught~~ 38a]** based on the triggering of the actuation mechanism **[~~not taught~~ 42, col. 5, ll. 33-35, note that while Stoltz does not teach that the first flap triggers an actuation mechanism, as claimed in the previous clause, the "opening of a second flap" is implicitly "based on the triggering of the actuation mechanism" – as claimed];** and

passing an airflow [26] into the electronic component cabinet [not taught] through the second passage. **[~~not taught~~ 39]**

Because the requirements of condition 6.2 have not been satisfied, it is suggested (not required) that petitioner reviews the statements made in response to the requirements of condition 6.3, in particular since it appears, for example, that Stoltz on col. 5, ll. 33-35, teaches that the motion of one of the flaps 40 and 41 triggers the motion of the other.

DECISION

For at least the above-stated reason (for failing to meet the requirement of section II: element 6.2), the petition is **DENIED**. The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

Ehud Gartenberg
Special Program Examiner
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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OFFICE OF PETITIONS

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

In re Application of	:	
Brian HERNACKI, et al	:	
Application No. 12/164,751	:	DECISION ON PETITION
Filed: June 30, 2008	:	TO WITHDRAW
Attorney Docket No. SYMA0058		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 29, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the attorneys of record were not appointed using Customer Number 22862, as indicated. The attorneys of record were appointed by naming each individually.

The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, since no proper change of correspondence address has been provided, the Office cannot grant the request to withdraw from record at this time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane C. Goodwyn/
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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MORRISTOWN NJ 07962

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JAN 06 2010

In re Application of Lorenz J. Bauer et al. Application No. 12/164,801 Filed: June 30, 2008 Attorney Docket No. H0014196	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 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 application must be directed to a single invention that either: A) materially enhances the quality of the environment or B) that materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 1 as explained below.

This application has been classified in an area (USPC 585/240) 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.

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 the undersigned at 571-272-4914.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1797 for action in its regular turn.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

December 10, 2008

In re application of Tohru Nakagawa Serial No. 12/164,821 Filed: June 30, 2008 For: PARTICLE ARRANGEMENT APPARATUS AND PARTICLE ARRANGEMENT METHOD	: : : : : : :	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 June 30, 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 (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the 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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P.O. Box 1450
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PATENT DEPT
INTUITIVE SURGICAL OPERATIONS INC
1266 KIFER RD
BUILDING 101
SUNNYVALE CA 94086

MAILED
APR 14 2010
OFFICE OF PETITIONS

In re Application of	:	
Prisco	:	
Application No. 12/164,829	:	ON PETITION
Filed: June 30, 2008	:	
Attorney Docket No. ISRG01410/US		

This is a decision on the petition to revive under 37 CFR 1.137(b), filed February 1, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed October 26, 2009. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on January 27, 2010. The Office mailed a Notice of Abandonment on February 16, 2010.

With the instant petition, petitioner paid the petition fee, made a statement of unintentional delay, and submitted the required reply in the form of the issue fee.

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

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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VICTORIA DONNELLY
PO BOX 24001
HAZELDEAN RPO
KANATA ON K2M 2C3 CA CANADA

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NOV 25 2008

In re Application of	:	
Steven Pigeon et al.	:	
Application No. 12/164,836	:	DECISION ON PETITION
Filed: June 30, 2008	:	
Attorney Docket No. VT-036-US	:	

This is a decision on the petition under 37 CFR 1.182, filed October 16, 2008, to change the order of the names of the inventors.

The petition is **DISMISSED**.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

The Application Data Sheet filed with the instant petition does not comply with 37 CFR 1.76(c)(2). When changes are being made to the original oath and declaration, which includes changing the order of the inventorship, the Application Data Sheet must be titled "Supplemental Application Data Sheet". Therefore, a Supplemental Application Data Sheet with the desired order of inventorship must be submitted before the instant petition can be granted.

In view of the above, the petition under § 1.182 to amend the order of inventors cannot be granted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

By fax: **(571) 273-8300**
ATTN: Office of Petitions

Any questions concerning this matter may be directed to JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

IN THE USPTO

SERIAL NUMBER: 12/164,873
Filing date: June 30, 2008
Title: **METHOD AND SYSTEM FOR GENERATING A QUALITY PREDICTION TABLE FOR QUALITY-AWARE TRANSCODING OF DIGITAL IMAGES**
Inventor: Coulombe, Stephane
Attorney ref: VT-055-US

October 16, 2008

RE: PETITION UNDER 37 CFR §1.182 - Correction of Order of Names in application

Dear Sir/Madam:

The applicant submits a petition under 37 CFR 37 CFR §1.182 (MPEP 605.04(f)) to correct the order of inventor names in this application.

Required corrections: the correct order of names in this application should be as follows:

1) Stephane COULOMBE
2) Steven PIGEON
3) Jean-Francois FRANCHE

Evidence: please see attached an email from inventors dated December 03, 2007 requesting the above noted order of inventor names to appear in the application.

There was just a clerical error made at filing, which did not take this email into account.

Fees: a required payment of $400 USD under 1.17(f) is submitted herewith.

For convenience, a new application data sheet showing a new order of inventor names is also enclosed.

Regards,

/vdonnelly/

Victoria Donnelly, reg. 44,185
Agent for the Applicant

vdonnelly@ip-mex.com

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Message: 3 of 919 **Printable Version**

From: <Stephane.Coulombe@etsmtl.ca> **Save Address | Headers**
To: <vdonnelly@ip-mex.com>
CC: <mark.maroof@vantrix.com>
Date: Mon, 3 Dec 2007 15:17:00 -0500
Subject: **Patent application : QUALITY-AWARE SELECTION OF QF AND SCALING PARAMETERS IN JPEG IMAGE TRANSCODING**

Hi Victoria,

It was nice to talk to you today.

As mentioned I am conformable with the strategy to go for a provisional patent and draft the full patent only in 2008 but Jean and Mark are the ones who take the final decision. I am just the inventor ;-)

As you requested, I have attached a document containing information about the inventors (addresses, citizenship, etc) on page 1 and 2. Note that I am the primary inventor. We are all Canadians.

- Stéphane Coulombe
- Steven Pigeon
- Jean-François Franche

I have attached a Word version of our paper. I used software to make the translation.
Therefore **ALL the formulas are wrong** and it is just to help you with the draft (text part). The PDF file contains the true and accurate content.

Best regard,

Stéphane

Prof. Stéphane Coulombe
Département de génie logiciel et des TI / Department of Software and IT Engineering
École de technologie supérieure
1100, rue Notre-Dame Ouest
Montréal, Québec
Canada H3C 1K3
Tel. +1 514 396 8407
Fax. +1 514 396 8405
Stephane.Coulombe@etsmtl.ca

PTO/SB/14 (07-07)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	VT-036-US
	Application Number	

Title of Invention	System and Method for Quality-Aware Selection of Parameters in Transcoding of Digital Images

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1 Remove

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Stephane		COULOMBE	

Residence Information (Select One) ○ US Residency ◉ Non US Residency ○ Active US Military Service

City	Brossard	Country Of Residence[i]	CA
Citizenship under 37 CFR 1.41(b)[i]	CA		

Mailing Address of Applicant:

Address 1	3660 Oxford		
Address 2			
City	Brossard	State/Province	QC
Postal Code	J4Y 2V9	Country[i]	CA

Applicant 2 Remove

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Steven		PIGEON	

Residence Information (Select One) ○ US Residency ◉ Non US Residency ○ Active US Military Service

City	Blainville	Country Of Residence[i]	CA
Citizenship under 37 CFR 1.41(b)[i]	CA		

Mailing Address of Applicant:

Address 1	20, Yvan		
Address 2			
City	Blainville	State/Province	QC
Postal Code	J7C 1Z9	Country[i]	CA

Applicant 3 Remove

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Jean-Francois		FRANCHE	

Residence Information (Select One) ○ US Residency ◉ Non US Residency ○ Active US Military Service

City	Mascouche	Country Of Residence[i]	CA

PTO/SB/14 (07-07)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	VT-036-US
	Application Number	
Title of Invention	System and Method for Quality-Aware Selection of Parameters in Transcoding of Digital Images	

Citizenship under 37 CFR 1.41(b) [i]	CA		
Mailing Address of Applicant:			
Address 1	654, Mercier		
Address 2			
City	Mascouche	**State/Province**	QC
Postal Code	J7K 3J1	**Country**[i]	CA
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button.		Add	

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).			
☐ **An Address is being provided for the correspondence Information of this application.**			
Customer Number	36630		
Email Address	vdonnelly@ip-mex.com	Add Email	Remove Email

Application Information:

Title of the Invention	System and Method for Quality-Aware Selection of Parameters in Transcoding of Digital Images		
Attorney Docket Number	VT-036-US	**Small Entity Status Claimed**	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		**Sub Class (if any)**	
Suggested Technology Center (if any)	2624		
Total Number of Drawing Sheets (if any)	15	**Suggested Figure for Publication (if any)**	2

Publication Information:

☐	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐	**Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S. C. 122(b) and certify that the invention disclosed in the attached 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 at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32).
Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.

Please Select One:	◉ Customer Number	○ US Patent Practitioner	○ Limited Recognition (37 CFR 11.9)

PTO/SB/14 (07-07)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	VT-036-US
	Application Number	
Title of Invention	System and Method for Quality-Aware Selection of Parameters in Transcoding of Digital Images	

Customer Number	36630

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status	Expired		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
60991956			2007-12-03

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button. Add

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Remove

Application Number	Country [i]	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
PCT/CA2007/001974	CA	2007-11-02	◉ Yes ○ No

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button. Add

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

Assignee 1 Remove

If the Assignee is an Organization check here. ☒

Organization Name	ECOLE DE TECHNOLOGIE SUPERIEURE		
Mailing Address Information:			
Address 1	1100 Rue Notre-Dame Ouest		
Address 2			
City	Montreal	**State/Province**	QC
Country [i]	CA	Postal Code	H3C 1K3
Phone Number	5143968407	Fax Number	5143968405
Email Address			

Additional Assignee Data may be generated within this form by selecting the **Add** button. Add

Signature:

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 form of the signature.

PTO/SB/14 (07-07)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	VT-036-US
	Application Number	
Title of Invention	System and Method for Quality-Aware Selection of Parameters in Transcoding of Digital Images	

Signature	/vdonnelly/			Date (YYYY-MM-DD)	2008-10-16
First Name	Victoria	Last Name	DONNELLY	Registration Number	44185

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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 Freedom 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 individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public 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

OIPE IAP10
DEC 17 2008
PATENT & TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY

VICTORIA DONNELLY
PO BOX 24001
HAZELDEAN RPO
KANATA ON K2M 2C3 CA CANADA

COPY MAILED
NOV 25 2008

In re Application of
Steven Pigeon et al.
Application No. 12/164,836
Filed: June 30, 2008
Attorney Docket No. VT-036-US

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed October 16, 2008, to change the order of the names of the inventors.

The petition is **DISMISSED**.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

The Application Data Sheet filed with the instant petition does not comply with 37 CFR 1.76(c)(2). When changes are being made to the original oath and declaration, which includes changing the order of the inventorship, the Application Data Sheet must be titled "Supplemental Application Data Sheet". Therefore, a Supplemental Application Data Sheet with the desired order of inventorship must be submitted before the instant petition can be granted.

In view of the above, the petition under § 1.182 to amend the order of inventors cannot be granted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

COPY

By fax: **(571) 273-8300**
ATTN: Office of Petitions

Any questions concerning this matter may be directed to JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VICTORIA DONNELLY
PO BOX 24001
HAZELDEAN RPO
KANATA ON K2M 2C3 CA CANADA

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Steven Pigeon et al.	:	
Application No. 12/164,836	:	DECISION ON PETITION
Filed: June 30, 2008	:	
Attorney Docket No. VT-036-US	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed December 17, 2008, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

This application is being referred to Technology Center AU 2624 for examination in due course.

Telephone inquiries regarding this decision should be directed to JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
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
12/164,836	06/30/2008	2624	610	VT-036-US	27	3

CONFIRMATION NO. 1968

CORRECTED FILING RECEIPT

OC000000036271098

36630
VICTORIA DONNELLY
PO BOX 24001
HAZELDEAN RPO
KANATA, ON K2M 2C3
CANADA

Date Mailed: 06/02/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Stephane Coulombe, Brossard, CANADA;
Steven PIGEON, Blainville, CANADA;
Jean-Francois Franche, Mascouche, CANADA;

Power of Attorney:
Victoria Donnelly--44185

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/991,956 12/03/2007

Foreign Applications

If Required, Foreign Filing License Granted: 07/15/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/164,836**

Projected Publication Date: 06/04/2009

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

SYSTEM AND METHOD FOR QUALITY-AWARE SELECTION OF PARAMETERS IN TRANSCODING OF DIGITAL IMAGES

Preliminary Class

382

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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www.uspto.gov

JUL 22 2010

DYKEMA GOSSETT PLLC
39577 WOODWARD AVENUE
SUITE 300
BLOOMFIELD HILLS MI 48304-5086

In re application of:	:	**DECISION ON REQUEST TO**
Kaufman, Jonathan J.	:	**PARTICIPATE IN PATENT**
Application No.: 12/164,860	:	**PROSECUTION HIGHWAY**
Filed: June 30, 2008	:	**PROGRAM AND PETITION**
For: SYSTEM AND METHOD FOR RE-	:	**TO MAKE SPECIAL UNDER**
SUPPLYING ENERGY TO A BATTERY-	:	**37 C.F.R. 1.102(d)**
POWERED ELECTIC VEHICLE		

This is a decision on the request to participate in the pilot Patent Prosecution Highway (PPH) program between the USPTO and the KIPO based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d), filed June 10, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following requirements:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) through (d) scenarios.

2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

(3) Claim Correspondence:

(a) All of the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims in the U.S. application are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(c) In this regard, a claim that is narrower in scope occurs when a claim indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language. A statement that the English translation is accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(8) Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S. application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed

IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

(10) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy."

In light of the petition and supporting submissions filed February 5, 2010, the request to participate in the PPH program complies with the above requirements and 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 Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record in the application.

Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/7/21/10

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Mar-10

INTERNATIONAL BUSINESS MACHINES CORPORATION
Richard Lau
IPLAW DEPARTMENT / Bldg 008-2
2455 SOUTH ROAD - MS P386
POUGHKEEPSIE NY 12601

MAILED

MAR 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Chang et al.	:	
Application Number: 12/164869	:	ON PETITION
Filing Date: 06/30/2008	:	
Attorney Docket Number:	:	
POU920040232US2		

This is a decision on the "PETITION UNDER 37 CFR 1.47 FOR FILING BY OTHER THAN ALL THE INVENTORS," filed on January 21, 2010, which is treated as a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.64 which requires that the named inventors execute a supplemental declaration.

The petition is **GRANTED**.

On June 30, 2008, the above-identified application was filed. A declaration was also filed on the same date naming Tom Y. Chang, William V. Huott, Thomas J. Knips, and Donald W. Plass as joint inventors.

On October 21, 2009, a non-final Office action was mailed stating, *inter alia*, that the oath is objected to because the foreign priority boxes are checked and there is no priority claimed. The Office action set a three (3)-month shortened statutory period for reply.

On January 21, 2009, an amendment and the subject petition were filed, accompanied by a supplemental declaration signed by inventors Huott, Knips, and Plass on behalf of themselves and non-signing inventor Chang.

Petitioners request that the Office accept the declaration without the signature of Chang because Chang is now a USPTO

employee, and is not permitted to sign the supplemental declaration.

There is no requirement for a showing under 37 CFR 1.47 with regard to joint inventor Tom Y. Chang. As noted above, this application bears an original Declaration executed by joint inventor Chang, and thus, the provisions of 37 CFR 1.47 do not apply with regard to his signature. Nevertheless, it is appropriate to apply the principles thereof to the situation at hand.

MPEP 409 states that employees of the United States Patent and Trademark Office (Office) who were inventors are not permitted to sign an oath or declaration for patent application (37 CFR 1.63) during the period of their employment with the Office and one year thereafter. 35 U.S.C. 4. These employees (inventors) will be treated as being unavailable to sign the oath or declaration pursuant to 37 CFR 1.47.

A review of the USPTO employee database reveals Tom Y. Chang is listed as a USPTO employee.

In view thereof, it is agreed that justice would be served by waiving the requirement for his signature on the supplemental declaration filed on January 21, 2010.

The fee for a petition under 37 CFR 1.183 is $400.00. On January 21, 2010, $130.00 was paid. The balance due of $270.00 will be charged to counsel's deposit account as authorized in the subject petition.

The application is referred to Technology Center Art Unit 2112 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

VICTORIA DONNELLY
P.O. BOX 24001
HAZELDEAN RPO
KANATA, ON K2M 2C3 CA **CANADA**

COPY MAILED

DEC 0 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Stephane Coulombe, et. al.	:	
Application No. 12/164,873	:	DECISION ON PETITION
Filed: June 30, 2008	:	
Attorney Docket No. VT-055-US	:	

This is a decision on the petition under 37 CFR 1.182 filed on October 16, 2008, to change the order of the names of the inventors.

The petition is **GRANTED.**

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center Art Unit 2624, for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/164,873	06/30/2008	2624	460	VT-055-US	21	2

CONFIRMATION NO. 1039

CORRECTED FILING RECEIPT

36630
VICTORIA DONNELLY
PO BOX 24001
HAZELDEAN RPO
KANATA, ON K2M 2C3
CANADA

OC000000033369481

Date Mailed: 12/01/2008

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)

Stephane COULOMBE, Brossard, CANADA;
Steven PIGEON, Blainville, CANADA;
Jean-Francois FRANCHE, Mascouche, CANADA;

Power of Attorney:
Victoria Donnelly--44185

Domestic Priority data as claimed by applicant
This appln claims benefit of 60/991,956 12/03/2007

Foreign Applications

If Required, Foreign Filing License Granted: 07/16/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/164,873**

Projected Publication Date: 06/04/2009

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

METHOD AND SYSTEM FOR GENERATING A QUALITY PREDICTION TABLE FOR QUALITY-AWARE TRANSCODING OF DIGITAL IMAGES

Preliminary Class

382

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.

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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.

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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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In re Application of
Jasper M. Nail

Application No. 12164874

Filed: June 30,2008

Attorney Docket No. 029975.64722

: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 12-MAR-2009 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,892	06/30/2008	Sandro Piccinini	FR920080082US1(1963-8001)	1073

79395 7590 07/11/2008
MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
07/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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TECHNOLOGY CENTER 3600

Morgan & Finnegan LLP
3 World Financial Center
New York, NY 10281-2101

In re application of
Sandro Piccinini et al.
Application No. 12/164,892
Filed: June 30, 2008
For: METHOD FOR MANAGING PACKAGE DELIVERY

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

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 field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.2 and II.6.5, above.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. Specifically, with respect to the classification search, in addition to the areas already searched, the search needs to include a search of 701/ 204, 207, 208, 210 (where the invention is classified), 211, 202; 340/ 992-994, 995.13, 995.19, 539.14, 3.54, 539.18, 505, 10.1, 572.1, 572.4; 455/414.2, 414.3, 456.1, 456.3, 456.6, 457; 342/ 357.07, 357.09; and 705/ 11, 29.

As to condition to II.6.5, the showing of where each limitation of each of the claims finds support under 35 USC 112 in the written description of the application is insufficient. For each claimed limitation the petition needs to identify specific passages, or at least a single paragraph where each limitation provides support. Listing broadly a number of pages does not comply with what is required.

The USPTO website has an example of the proper manner of documenting limitations taught by cited art, and the manner of explaining claim patentability over the references, for an Accelerated Examination Support Document at: http://www.uspto.gov/web/patents/accelerated/.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 7/10/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,892	06/30/2008	Sandro Piccinini	FR920080082US1(1963-8001)	1073

79395 7590 08/30/2008
MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER
JUNG, ALLEN J

ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
08/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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AUG 30 2008

TECHNOLOGY CENTER 3600

Morgan & Finnegan LLP
3 World Financial Center
New York, NY 10281-2101

In re application of
Sandro Piccinini et al.
Application No. 12/164,892
Filed: June 30, 2008
For: METHOD FOR MANAGING PACKAGE DELIVERY

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the renewed petition filed on August 11, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on June 30, 2008. That petition was dismissed in a decision mailed July 11, 2008 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reason for the dismissal was an inadequate search and an inadequate showing of support under 35 USC 112.

The renewed petition's showing of support is deemed to be sufficient.

Concerning the original Search Document, the classification search was deemed to be incomplete, and regarding the text search of the US Patents database, the petition lacked sufficiently search logic encompassing the broadest reasonable interpretation of the claimed invention. Applicant's renewed petition indicates that the suggested additional areas have been searched. However, of the list of missing mandatory areas of search provided in the above-noted dismissal, a search in 340/992-994, 539.14; and 342/357.07 and 357.09 apparently were never completed as these areas are not listed as having been searched.

Given that the necessary complete search has not been completed, the search remains considered as not encompassing all of the claimed features of the invention.

For the above stated reason, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the original petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.

Steven N. Meyers
Quality Assurance Specialist
Technology Center 3600

snm/snm 8/28/08

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In re Application of
Frank E. Delmonico

Application No. 12164970

Filed: June 30,2008

Attorney Docket No. 025330-9001-02

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-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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SABIC Innovative Plastics - IP Legal
ONE PLASTICS AVE.
PITTSFIELD MA 01201-3697

COPY MAILED

APR 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Laura Schultz et al.	:	
Application No. 12/164,975	:	DECISION ON PETITION
Filed: June 30, 2008	:	PURSUANT TO
Attorney Docket No.: 229339-	:	37 C.F.R. § 1.137(A)
1/SABI 2 00043	:	
Title: BRANCHED POLYCARBONATE-	:	
POLYSILOXANE COPOLYMERS AND	:	
PROCESSES FOR PRODUCING THE	:	
SAME	:	

This is a decision on the petition submitted on April 7, 2009, pursuant to 37 C.F.R. § 1.137(a).

This petition is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed July 23, 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 September 24, 2008. A notice of abandonment was mailed on April 1, 2009.

RELEVANT PORTIONS OF THE C.F.R.

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.

ANALYSIS

A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has included the petition fee, a fully executed declaration, and the surcharge associated with the late submission of the same.

Requirements (1) and (2) of Rule 1.137(a) have been satisfied.

The fourth requirement is not applicable, as a terminal disclaimer is not required.[1]

The third requirement of Rule 1.137(a) has not been met, as will now be pointed out.

With this petition, Petitioner has asserted that the notice was not received, due to alleged Office errors in mailing electronic notifications to participants in the E-Office Action Pilot Program, who "signed up between July 4 and July 23, 2008."

However, Office records show that the relevant customer number (45111), was opted into the E-Office Action Pilot Program on August 7, 2008.[2] As such, **the notice of July 23, 2008 was sent via the traditional paper format**, and any alleged irregularities in electronic notification would not have affected the physical mailing of this notice.

If Petitioner wishes to contend on renewed petition that the notice was not physically received, Petitioner may wish to submit a renewed petition with supporting documentation as set forth in MPEP § 711.03(c)(I)(A).

It is noted that Petitioner has requested that the fee that is associated with the filing of this petition be refunded, however the petition fee is not refundable. The applicable statute, 35 USC 42(d), authorizes the Director to refund "any fee paid by mistake or any amount paid in excess of that required." Thus, the Patent and Trademark Office (PTO) may refund: (1) a fee paid when no fee is required (*i.e.*, a fee paid by mistake), or (2) any fee paid in excess of the amount of the fee that is required. See Ex Parte Grady, 59 USPQ 276, 277 (Comm'r Pats. 1943)(the statutory authorization for the refund of fees is applicable only to a mistake relating to the fee payment). In the situation in which an applicant or patentee takes an action "by mistake" (e.g., files an application "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application) is not a "fee paid by mistake" within the meaning of 35 U.S.C. § 42(d).

CONCLUSION

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled

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1 See 37 C.F.R. § 1.137(d)(1).
2 It is noted in passing that Office records show that Customer Numbers 44433 and 44437 were also opted into the E-Office Action Pilot Program on August 7, 2008.

"Renewed Petition Pursuant to 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any subsequent filing pertaining to the abandonment of this application should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[3] hand-delivery,[4] or facsimile.[5]

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 should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 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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Paper No.

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ONE PLASTICS AVE.
PITTSFIELD MA 01201-3697

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MAY 08 2009

OFFICE OF PETITIONS

In re Application of Laura Schultz et al. Application No. 12/164,975 Filed: June 30, 2008 Attorney Docket No.: 229339-1/SABI 2 00043 Title: BRANCHED POLYCARBONATE-POLYSILOXANE COPOLYMERS AND PROCESSES FOR PRODUCING THE SAME	DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.137(A)

This is a decision on the renewed petition submitted on April 30, 2009, pursuant to 37 C.F.R. § 1.137(a).

This renewed petition is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed July 23, 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 September 24, 2008. A notice of abandonment was mailed on April 1, 2009.

RELEVANT PORTIONS OF THE C.F.R.

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).

PROCEDURAL HISTORY AND ANALYSIS

A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(a) was filed on April 7, 2009, and was dismissed via the mailing of a

decision on April 23, 2009, which indicated that requirements (1) and (2) of Rule 1.137(a) had been met, and that the fourth requirement is not applicable.

With this renewed petition, Petitioner has indicated that the notice of July 23, 2008 was not received,[1] and that a search of the practitioner's record(s), including the "patent application docket record and the online folder where documents are also stored"[2] indicates that the Office communication was not received. Petitioner has further provided copies of the online folder where documents are stored, a copy of the docket report that is associated with this individual application,[3] and a copy of the master docket.

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.

More specifically, Petitioner has explained that incoming correspondence that was received via the traditional paper format was

> "routed to the appropriate Administrative Professional (and Attorney as applicable), docketed in the docketing system, and scanned so that an electronic record was available in the docketing system and on the server in the appropriate docket folder."[4]

However, **this 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 that are distributed to the responsible attorneys? Does it generate periodic reminders prior to the due dates? If so, are these reminders distributed to the responsible attorneys?**

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1 Renewed petition, page 3.
2 Id.
3 Petitioner has noted that the relevant notice was entered into the file only after the notice of abandonment was received.
4 Renewed petition, page 3.

CONCLUSION

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition Pursuant to 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any subsequent filing pertaining to the abandonment of this application should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[5] hand-delivery,[6] or facsimile.[7] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[8]

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.[9] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
7 (571) 273-8300- please note this is a central facsimile number.
8 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
9 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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OFFICE OF PETITIONS

In re Application of Laura Schultz et al. Application No. 12/164,975 Filed: June 30, 2008 Attorney Docket No.: 229339-1/SABI 2 00043 Title: BRANCHED POLYCARBONATE-POLYSILOXANE COPOLYMERS AND PROCESSES FOR PRODUCING THE SAME	:	DECISION ON SECOND RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.137(A)

This is a decision on the second renewed petition submitted on May 14, 2009, pursuant to 37 C.F.R. § 1.137(a).

Receipt of the supplement to this petition, received on May 28, 2009, is acknowledged.

This second renewed petition is **GRANTED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed July 23, 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 September 24, 2008. A notice of abandonment was mailed on April 1, 2009.

PROCEDURAL HISTORY AND ANALYSIS

A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(a) was filed on April 7, 2009, and was dismissed via the mailing of a decision on April 23, 2009, which indicated that requirements (1) and (2) of Rule 1.137(a) had been met, and that the fourth requirement is not applicable.

A renewed petition pursuant to 37 C.F.R. § 1.137(a) was filed on April 30, 2009, where Petitioner indicated that the notice of July 23, 2008 was not received,[1] and that a search of the practitioner's record(s), including the "patent application docket record and the online folder where documents are also stored"[2] indicates that the Office communication was not received. Petitioner further provided copies of the online folder where documents are stored, a copy of the docket report that is associated with this individual application,[3] and a copy of the master docket.

The renewed petition was dismissed via the mailing of a decision on May 8, 2009.

With this second renewed petition, Petitioner has provided a statement describing the system used for recording an Office communication received at the correspondence address of record with the USPTO, and has established that the docketing system is sufficiently reliable.

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1 Renewed petition, page 3.
2 Id.
3 Petitioner has noted that the relevant notice was entered into the file only after the notice of abandonment was received.

More specifically, Petitioner has explained that incoming correspondence are docketed, and that both the due date and a reminder date are entered into the electronic docketing system,[4] which sends electronic reminders to the responsible attorneys on a daily basis.[5] Moreover the calendar function of the electronic docketing system displays all "upcoming actions due for the particular attorney's docket,"[6] which is routinely reviewed by each attorney (Petitioner has indicated that she generally reviews this electronic calendar on a daily basis).[7]

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met her burden of establishing that the notice of July 23, 2008 was not received.

Accordingly, the third requirement of 37 C.F.R. § 1.137(a) has been met, and as such, this second renewed petition pursuant to 37 C.F.R. § 1.137(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

CONCLUSION

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

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4 Second renewed petition, page 3.
5 Supplement to second renewed petition, page 2.
6 Id.
7 Id.

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.[8]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

8 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

APPENDIX

RELEVANT PORTIONS OF THE C.F.R.

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).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,988	06/30/2008	Naga A. Ayachitula	YOR920070640US1	1236

48915 7590 08/14/2008
CANTOR COLBURN LLP-IBM YORKTOWN
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
08/14/2008	PAPER

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In re application of : **DECISION ON PETITION**
Ayachitula et al. : **TO MAKE SPECIAL FOR**
Application 12/164,988 : **NEW APPLICATION**
Filed: June 30, 2008 : **UNDER 37 CFR 1.102**
For: DEFINING AND IMPLEMENTING CONFIGURATION STANDARDS FOR FACILITATING COMPLIANCE TESTING IN AN INFORMATION TECHNOLOGY ENVIRONMENT

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;

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2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

~~6.6. an identification of any cited references that may be disqualified~~ under 35 USC 103(c).

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REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.1 and II.5.2

Condition II.5.1 requires that the search involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement. Applicant's search in Espacenet could possibly include only PCT-related publications. Applicant should search a more comprehensive set of database files incorporating publications from the Japanese Patent Office, European Patent Office, and WIPO databases. On the Espacenet web site, it is indicated that the EP database option made available through the web site only allows one to search the patent applications published by the European Patent Office over the last 24 months. The worldwide database option on Espacenet covers published patent applications from over 80 different countries and regions. It is not clear which database files were searched by Applicant through Espacenet; therefore, it is not readily apparent if Applicant met the requirement for searching foreign patent documents.

As per Condition II.5.2, the preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation. Applicant's searches are very broad and do not focus on many of the recited claim details. More specifically, Applicant generally searches the concept of compliance testing using configuration standards. However, none of Applicant's searches are directed toward the details of the Configuration standards providing means of managing complex Information technology by promoting consistency and quality, as recited in the claim. Furthermore, Applicant's search was focused in 717/101-102, 105, 136, 174, 706/47 and 705/1, while it should have been focused in 705/7, where the application is classified. Below is a link to the 705 template for that sub that is recommended for searching.

http://www.uspto.gov/web/patents/searchtemplates/class705-007.htm

A recommended search might be executed in all databases of West with the following search queries:

L1: ((information adj technology or IT) near5 (business$2 or enterprise$ or company or companie$ or corporation$) near5 (attribute$ or value$1 or parameter$) and (complian$ or restrict$ or conform$ or requirement$) near5 (test$ or investigat$ or check$ or experiment$ or examin$ or analy$))
L2: L1 and (configuration same standard$)
L3: ((information adj technology or IT) near7 (configuration$ near5 (consisten$ or quality or qualitie$ or steady or reliable or depend$ or coherent)))

Please keep in mind that these are non-limiting search suggestions and they are only meant to serve as a possible starting point for Applicant's preexamination search.

Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following web site: http://www.uspto.gov/web/patents/accelerated/ Applicant is expected to perform more supplemental searches than the sample search queries listed 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 one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633, or Romain Jeanty, Primary Examiner, at (571) 272-6732.

C. Michelle Tarazano for

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/RJ/ 8/12/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/164,988	06/30/2008	Naga A. Ayachitula	YOR920070640US1	1236

48915 7590 10/10/2008
CANTOR COLBURN LLP-IBM YORKTOWN
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

ART UNIT	PAPER NUMBER
3623	

NOTIFICATION DATE	DELIVERY MODE
10/10/2008	ELECTRONIC

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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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In re application of
Ayachitula et al.
Application No. 12/164,988
Filed: June 30, 2008
For: DEFINING AND IMPLEMENTING CONFIGURATION STANDARDS FOR FACILITATING COMPLIANCE TESTING IN AN INFORMATION TECHNOLOGY ENVIRONMENT

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the petition filed on June 30, 2008 and the supplemental petition documents filed September 12, 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 to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new

claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633, or C. Michelle Tarae, Business Practice Specialist, at (571) 272-6727. Inquires may also be directed to Jamisue Plucinski at (571) 272-6811.

C. Michelle Tarae

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

CMT/JP/10/2/08

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20 Church Street
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Hartford CT 06103

In re Application of: AYACHITULA, Naga A., et. al.
Serial No.: 12/165,021
Filed: June 30, 2008
Docket: YOR920080284US1
Title: DEFINING AND IMPLEMENTING CONFIGURATION STANDARDS FOR FACILITATING COMPLIANCE TESTING IN AN ENVIRONMENT

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on 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 **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of

Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

/Kim Huynh/

Kim Huynh, Quality Assurance Specialist
Technology Center 2400,
Computer Architecture, Software and Information Security

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.
12/165,021	06/30/2008	Naga A. Ayachitula	YOR920080284US1	1292

48915 7590 01/15/2009
CANTOR COLBURN LLP-IBM YORKTOWN
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

NOTIFICATION DATE	DELIVERY MODE
01/15/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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GUICE PATENTS PLLC
12647 GALVESTON COURT #302
MANASSAS, VA 20112

COPY MAILED

JUN 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Yu-Tsun Hsu	:	
Application No. 12/165,026	:	ON PETITION
Filed: June 30, 2008	:	
Attorney Docket No. 4602-0116	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition lacks item (1), the required reply. Although the Office recognizes that the petitioner submitted the statutory basic filing fee, search fee, examination fee and surcharge, the petitioner did not submit the fee for one claim in excess of twenty, as specified in the Notice, mailed July 16, 2008. Accordingly, this application cannot be revived until a complete response is filed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Internet: EFS-Web[1]

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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GUICE PATENTS PLLC
12647 GALVESTON COURT #302
MANASSAS, VA 20112

MAILED

AUG 21 2009

OFFICE OF PETITIONS

In re Application of	:	
Yu-Tsun Hsu	:	
Application No. 12/165,026	:	ON PETITION
Filed: June 30, 2008	:	
Attorney Docket No. 4602-0116	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply to t Notice to File Missing Parts of Nonprovisional Application, mailed July 16, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 17, 2008. On February 12, 2009, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed June 30, 2009. In response, on July 29, 2009 the present petition was filed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the statutory basic filing fee, search fee, examination fee, fee for one claim in excess of twenty and surcharge of $65, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paul Newell
c/o Michael Harris
SoCal IP Law Group LLP
310 N. Westlake Blvd. Suite 120
Westlake Village, CA 91362

MAILED

MAY 22 2009

OFFICE OF PETITIONS

In re Application of :
Hendrickson, Newell, and Neuman :
Application No.: 12/165,039 : LETTER
Filed: June 30, 2008 :
Attorney Docket No: 026231-003010US :
For: **GENERATION OF THREE-DIMENSIONAL MOVIES WITH IMPROVED DEPTH CONTROL**

Dear Inventor Newell:

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 joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, 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 Attorney Kenya A. McLaughlin at (571) 272-3222. 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).

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

DISNEY ENTERPRISES, INC.
C/O TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO CA 94111-3834

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MAY 22 2009

OFFICE OF PETITIONS

DISNEY ENTERPRISES, INC.
C/O TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of
Hendrickson, Newell, and Neuman
Application No.: 12/165,039
Filed: June 30, 2008
Attorney Docket No: 026231-003010US
For: **GENERATION OF THREE-DIMENSIONAL MOVIES WITH IMPROVED DEPTH CONTROL**

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed January 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-cited application was filed on June 30, 2008, without an oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on July 17, 2008, requiring an executed oath or declaration and surcharge, along with other requirements. The notice allowed an extendable period for reply of two months from its mailing date. The instant petition was filed responsively on January 21, 2009, with a request for an extension of time within the fourth month.

Petitioner has shown that inventor Newell have 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 inventors 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 petition is $200.00. Deposit account 20-1430 will be charged an additional $70.00 accordingly.

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 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	12165044	Confirmation Number	1326	Filing Date	2008-06-30
Attorney Docket Number (optional)		Art Unit		Examiner	
First Named Inventor	Richard Edward Mediatore				
Title of Invention	COMPRESSION REDUCTION DEVICE FOR PISTON SPARK IGNITION INTERNAL COMBUSTION ENGINES WITH REMOVABLE CYLINDERS				

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
Richard	Edward	Mediatore	

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 Edward Mediatore/	Date (YYYY-MM-DD)	2008-07-02
Name	Richard Edward Mediatore		

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 :
Richard Edward Mediatore :

Application No. 12165044 :DECISION ON PETITION TO MAKE SPECIAL
Filed: :UNDER 37 CFR 1.102(c)(1)
:

Attorney Docket No.

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 02-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.

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IRVINE12165064
CA 92618

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AUG 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Tsai and Hung :
Application No. 12/165,064 : DECISION REFUSING STATUS
Filed: June 30, 2008 : UNDER 37 CFR 1.47(b)
Attorney Docket No. JCLA19600 :
For: **GAMMA REFERENCE VOLTAGES GENERATING CIRCUIT**

This is a decision on the petition under 37 CFR 1.47(b), filed June 30, 2008.

The petition under 37 CFR 1.47(b) 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(b).

The above-identified application was filed on June 30, 2008, without an executed oath or declaration. The petition under 37 CFR 1.47(b) accompanied the original application papers.

A grantable petition under 37 CFR 1.47(b) 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,

(5) proof of proprietary interest, and

(6) a showing (statement) that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The instant petition lacks item (6) set forth above.

Petitioner has not made a showing that according this application status under 37 CFR 1.47(b) is necessary to preserve the rights of the parties or to prevent irreparable harm. This showing may be made a statement from an authorized representative of the 37 CFR 1.47(b) applicant. See MPEP 409.03(g).

The fee for the instant petition is $200.00. Deposit account 50-0710 will be charged an additional $70.00 accordingly.

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 regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE CA 92618

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
Tsai and Hung :
Application No. 12/165,064 : DECISION ACCORDING STATUS
Filed: June 30, 2008 : UNDER 37 CFR 1.47(b)
Attorney Docket No. JCLA19600 :
For: **GAMMA REFERENCE VOLTAGES GENERATING CIRCUIT**

This is in response to the renewed petition under 37 CFR 1.47(b), filed September 9, 2008.

The renewed petition is **GRANTED**.

The above-identified 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.

The above-identified application was filed on June 30, 2008, without an executed oath or declaration. A petition under 37 CFR 1.47(b) accompanied the original application papers. The petition was dismissed by a decision mailed August 1, 2008.

Petitioner has shown that inventors Tsai and Hung cannot be located after a diligent effort to join the filing of the above-identified application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries 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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IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS TX 75380

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FEB 18 2009

OFFICE OF PETITIONS

In re Application of
Becker et al.
Application No. 12/165,114
Filed: June 30, 2008
Attorney Docket No. AUS920020327US2

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 20, 2009, which, for the reasons stated below, is being treated as a request for a five (5) month extension of time.

The request for a five (5) month extension of time is **GRANTED.**

The petition under 37 CFR 1.137(b) is **DISMISSED** as premature.

The record shows that a Notice to File Corrected Application Papers was mailed on July 11, 2008, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before September 11, 2008, or on or before February 11, 2009 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 and including February 11, 2009, 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 $1620.00 petition fee submitted will be applied towards the purchase of a five month extension of time. Pursuant to petitioner's request, the $730 balance for a total of $2, 350.00 will be charged to deposit account no. 50-3157.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Patent Application Processing for further action as the nature of the case may require.

Charlema Grant
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

FEB 19 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 renew petition filed on February 09, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on June 30, 2008. That petition was dismissed in a decision mailed on January 08, 2009 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The renew petition to make the application special is **DENIED**.

The conditions [I. 1-4, II. 1.5, II. 5.1 - 5.3, II. 6.1 - 6.2, 6.4 and II. 6.5 - 6.6] have been met. However, the petition fails to comply with the conditions [II. 6.3]. 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) (2-3) and item II 6.3, the accelerated examination support document (AESD) must include: 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).

Petitioner's Supplemental AESD with respect to section "9(C) Detailed Explanation of Patentability:" sets forth identification of all the limitations in the claims that are **not** disclosed by **each** reference **individually**, rather than a specific explanation as to what specific claim limitations are the basis of patentability, as required by 37 CFR 1.111 (b) and (c).

More specifically, this section must point out the specific distinctions (i.e. claim limitations/language) believed to render the claims patentable over **any** applied references (MPEP §1.111(b)). In other words, a specific identification as to what claim

limitations are distinguishable over **all** of the references. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. See Sample AE Support Document at http://www.uspto.gov/web/patents/accelerated/.

For these reasons, the renew petition does not meet the requirement of MPEP § 708.02.

DECISION

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Information Disclosure Statement (IDS) filed February 09, 2009 is acknowledged, however, the reference cited thereon, namely, Forman (US 2003/0120733) was previously cited on IDS filed June 30, 2008.

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/

Beatrice Pierce for

Kim Huynh, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

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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 02/20/2009
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
02/20/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

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 dependent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims 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/

Beatriz Prieto for

Kim Huynh,
Quality Assurance Specialist
Technology Center 2400
Computer Architecture, Software and Information Security

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OFFICE OF PETITIONS

VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON VA 22201-2909

In re Application of	:	
Xia, et al.	:	
Application No. 12/165,122	:	DECISION ON PETITION
Filed: June 30, 2008	:	
Attorney Docket No. 20080006	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 25, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply to the Notice of Drawing Inconsistency with Specification, mailed November 6, 2009, which set a period for reply of one (1) month/ 30 days, whichever was longer. Accordingly, this application became abandoned on December 7, 2009. A Notice of Abandonment was mailed on February 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)3230.

This application is being referred to the Office of Data Management for consideration of the drawings filed February 25, 2010.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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J C PATENTS
4 VENTURE, SUITE 250
IRVINE CA 92618

In re Application of	:	
Chih-Jen Hsu et al.	:	
Application No. 12/165,123	:	NOTICE
Filed: June 30, 2008	:	
Attorney Docket No. **JCLA27272**	:	

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,187	06/30/2008	George Rhoten	SVL920080070US1	1537

80692 7590 11/05/2008
Snell & Wilmer L.L.P. (IBM Corp)
600 Anton Blvd
Suite 1400
Costa Mesa, CA 92626

EXAMINER

ART UNIT	PAPER NUMBER
2189	

MAIL DATE	DELIVERY MODE
11/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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11/03/08

SNELL & WILMER L.L.P. (IBM Corp)
600 ANTON BLVD
SUITE 1400
COSTA MESA, CA 92626

In re Application of: George RHOTEN Serial No.: 12/165,187 Filed: June 30, 2008 Docket: SVL920080070US1 Title: METHOD TO TEST ERROR RECOVERY WITH SELECTIVE MEMORY ALLOCATION ERROR INJECTION	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 dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I. 1-4, II. 1-4, 5, 5.1, 6.1 - 6.6 above are considered to have been met. However, the petition fails to comply with conditions II. 5.2 & 5.3 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items 5.2 & 5.3 above, the preexam search must be directed to the (instant) claimed invention and encompass all of the disclosed features of the claim. Note, the provision of the identified search area and search logic provided to locate the references cited in the instant petition does not meet this requirement, in particular, based upon the claimed subject matter of the instant application, a search in the following class and subclass (classification search) is necessary in order to provide full coverage of where the most pertinent references are most likely to be found: class 714 (ERROR DETECTION/CORRECTION AND FAULT DETECTION/RECOVERY) subclasses 29, 41 and 42.

This additional recommended search area was confirmed with (and recommended by) a (primary) examiner in the pertinent art area, based upon the pending claim of the instant application.

Thus, the petition does not meet the conditions II. 5.2 and 5.3 above.

DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

[1] MPEP 8th ed. rev 5 August 2006

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

Brian L. Johnson
Quality Assurance Specialist, WG 2110
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,187	06/30/2008	George Rhoten	SVL920080070US1	1537

80692 7590 01/14/2009
Snell & Wilmer L.L.P. (IBM Corp)
600 Anton Blvd
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Costa Mesa, CA 92626

EXAMINER
VERBRUGGE, KEVIN

ART UNIT	PAPER NUMBER
2189	

MAIL DATE	DELIVERY MODE
01/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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600 Anton Blvd
Suite 1400
Costa Mesa CA 92626

In re Application of: George RHOTEN	:	
Serial No.: 12/165,187	:	DECISION ON PETITION TO
Filed: June 30, 2008	:	MAKE SPECIAL FOR NEW
Docket: SVL920080070US1	:	APPLICATION UNDER 37
Title: METHOD TO TEST ERROR RECOVERY	:	C.F.R. § 1.102 & M.P.E.P. §
WITH SELECTIVE MEMORY	:	708.02
ALLOCATION ERROR INJECTION	:	

This is a decision on the renewed petition filed on December 2, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on June 30, 2008, was dismissed in the decision mailed on November 5, 2008.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Mano Padmanabhan at (571) 272-4210. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

/Mano Padmanabhan/

Mano Padmanabhan
WQAS Technology Center 2100
Computer Architecture, Software, and Information Security

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DEC 03 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

PRTSI, INC
4661 CARISBROOKE LN
FAIRFAX VA 22030

In re Application of:
KOSSEL, MARCEL A.
Serial No.: 12/165,309
Filed: June 30, 2008

Title: **METHOD FOR DATA SYNCHRONIZATION**

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 **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was not complete. A "Notice to File Corrected Application Papers" was mailed on July 8, 2008.

Therefore, the petition is denied because the application was not complete at the time of filing as per item 3 above. The application will be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVIS WRIGHT TREMAINE, LLP/Seattle
1201 Third Avenue, Suite 2200
SEATTLE WA 98101-3045

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JUL 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Joni K. Doherty, et al.	:	
Application No. 12/165,317	:	DECISION ON PETITION
Filed: June 30, 2008	:	
Attorney Docket No. 49321-178	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 18, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 19, 2009. The Notice of Abandonment was mailed June 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 the statutory basic filing fee of $82, the $65 surcharge, and replacement drawings, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

The fee for the additional claims is no longer due to filing of the pre amendment filed March 18, 2009.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for further processing.

Terri Williams

Terri Williams
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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OCT 16 2008

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of: Ori Pomerantz et el. Serial No.: 12/165348 Filed: June 30, 2008 Docket: AUS920080365US1 Title: FRAUD DETECTION IN SEALS	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 **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 of File missing parts of non provisional Application mailed on July 8, 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) 272-3612. If attempts to reach the undersigned are unsuccessful, Mano Padmanabhan., Quality Assurance Specialist can be reached at (571) 272-4210.

/Tod Swann/

Quality Assurance Specialist

Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,348	06/30/2008	Ori Pomerantz	AUS920080365US1	1783

48150 7590 11/26/2008
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
SHEIKH, AYAZ R

ART UNIT	PAPER NUMBER
2431	

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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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

Applicant: Fuka et al. Application No. 12/165,348 Filed: June 30, 2008 For: Fraud Detection in Seals	**Decision On Petition to Make Special under 37 C.F.R. § 1.102 (d) and M.P.E.P. § 708.02(a)**

This is a decision in response to the submission received on November 17, 2008 requesting review of the decision mailed October 16, 2008, denying accelerated examination status for the instant application. The signatory of the October 16, 2008 decision denying accelerated examination status possessed delegated authority to act on behalf of the Technology Center Director in such matters. Therefore, the petition received on November 17, 2008 is a request for review of a decision of a Technology Center Director. Accordingly, the Office of the Deputy Commissioner for Patent Examination Policy has decision-making authority over Applicant's petition. M.P.E.P. § 1002.02(b)(15).

The petition to reconsider the denial of accelerated examination status for application No. 12/165,348 and to grant such status under 37 CFR 1.102 is **DENIED**.

Background

The above-identified application was filed under 35 U.S.C. § 111(a) on June 30, 2008 accompanied by a petition under 37 CFR 1.102(d) to make the application special under the accelerated examination program. See 71 Fed. Reg. 36,323. The application included an unsigned oath/declaration.

On July 8, 2008, the United States Patent and Trademark Office (USPTO) issued a Notice to File Missing Parts of a Non Provisional Application. The Notice required Applicant to submit a signed oath or declaration and a surcharge fee of $130.00.

On July 15 and July 18, 2008, Applicant responded to the notice of missing parts by submitting a proper signed oath and the surcharge fee.

On October 16, 2008, a decision was mailed by the USPTO denying Applicant's petition to make special. The decision outlined the requirements for accelerated examination pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" (71 Fed Reg. 36323), and cited the existence of an accurate and properly issued "Notice to File Missing Parts of a Non Provisional Application" and a failure to present a signed oath or declaration as the justification for denying special examination status to the application.

On November 17, 2008, Applicant submitted the instant Petition requesting reconsideration of the October 16, 2008 denial of the petition to make special.

Applicable Regulations and Notice Sections

37 CFR § 1.102 Advancement of Examination

> (a) Applications will not be advanced out of turn for examination or for further action except as provided by this part, or upon order of the Director to expedite the business of the Office, or upon filing of a request under paragraph (b) of this section or upon filing a petition under paragraphs (c) or (d) of this section with a showing which, in the opinion of the Director, will justify so advancing it.

Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination", 71 Fed. Reg. 36,323 (Jun. 26, 2006)

The relevant portions of the Accelerated Examination Notice are as follows:

> Part I. Requirements for Petitions to Make Special under Accelerated Examination: *A new application may be granted accelerated examination status under the following conditions:*
>
> ...
>
> (4) The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an executed oath or declaration under 37 CFR 1.63.
>
> ...
>
> *Part VIII: More Information:*
>
> ...
>
> *Conditions for Examination:* The application must be in condition for examination at the time of filing. This means the application must include the following:

...

> 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, a notice to file missing parts, a notice to file corrected application papers, notice of omitted items, or notice of informal application). ***The opportunity to perfect a petition (Part II) does not apply to applications that are not in condition for examination of filing.*** (71 Fed. Reg. 36,323 at 36,327)

Decision

Petitioner does not dispute that oath or declaration filed with the application on June 30, 2008 was not in compliance with 37 CFR 1.63. Petitioner requests reconsideration based upon petitioner's assertion that Applicant, in accordance with USPTO request, has complied with the requirements made in the Notice mailed July 8, 2008 by filing a signed oath/declaration. Applicant requests reconsideration of the USPTO denial to have the current application prosecuted as special accelerated examination.

Under this program, the application must be, "*at the time of filing*" complete under 37 CFR 1.51 and in "*condition for examination*". These requirements include an oath or declaration in compliance with 37 CFR 1.63.. As the goal of this program is to advance prosecution of an application to final disposition, as defined by the Office, within 12 months from the date of filing, all applications must meet the requirements of the policy in order to meet the reduced examination time goals. The existence of a "Notice to File Missing Parts" was the evidentiary basis for concluding the application was not in condition for examination. The issuance of the "Notice to File Missing Parts" was proper. Petitioner has responded and corrected the errors. Therefore, Petitioner implicitly acknowledged that the application was not in condition for examination at the time of filing.

CONCLUSION

For the above-stated reasons, the petition to reconsider a denial to make special application No. 12/165,348 is **DENIED**. Therefore, the USPTO will examine the above-identified application in accordance with standard examination procedures.

This decision may be viewed as final agency action. See MPEP 1002.02.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Telephone inquiries related to this decision should be directed to Pinchus M. Laufer, Legal Advisor at (571) 272-7726.

Robert A. Clarke

Robert A. Clarke, Director
Office of Patent Legal Administration
Office of the Deputy Commissioner for Patent Examination Policy

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,353	06/30/2008	Jeffrey D. Amsterdam	AUS920080439US1	1790

80692 7590 11/10/2008
Snell & Wilmer L.L.P. (IBM Corp)
600 Anton Blvd
Suite 1400
Costa Mesa, CA 92626

EXAMINER
KIM, TAE W

ART UNIT	PAPER NUMBER
2887	

MAIL DATE	DELIVERY MODE
11/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Snell & Wilmer L.L.P. (IBM Corp)
600 Anton Blvd, Suite 1400
Costa Mesa CA 92626

In re Application of:
AMSTERDAM *et al.*
Serial No.: 12/165,353
Filed: June 30, 2008
Title: **METHOD AND APPARATUS FOR AFFINITY CARD CONSOLIDATION**

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 dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1-4; II.5, 5.1-5.3, 6, 6.1-6.4 and 6.6, above are considered to have been met. However, the petition fails to comply with conditions section II, subsection 6.5, above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of section II, subsection 6.5, the examination support document must include a showing of where **each limitation** of the application claims finds support under 35 USC 112, first paragraph, in the written description of the specification. The examination support document mere directs the reader to paragraph [0005] which is a reiteration of the actual claim. This does not provide clear support for each limitation. A more specific description of where each limitation finds support is required. It is suggested that specific paragraph and line numbers be used to identify where each limitation of the claim has support. For these reasons, the petition does not meet the requirements of section II, subsection. 6.5, as set forth above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, 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 Clayton E. LaBalle, Quality Assurance Specialist (QAS), at (571) 272-1594.

Clayton E. LaBalle, QAS
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,353	06/30/2008	Jeffrey D. Amsterdam	AUS920080439US1	1790

80692 7590 01/23/2009
Snell & Wilmer L.L.P. (IBM Corp)
600 Anton Blvd
Suite 1400
Costa Mesa, CA 92626

EXAMINER
KIM, TAE W

ART UNIT	PAPER NUMBER
2887	

MAIL DATE	DELIVERY MODE
01/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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600 Anton Blvd, Suite 1400
Costa Mesa, CA 92626

In re Application of:
AMSTERDAM *et al.*
Serial No.: 12/165,353
Filed: June 30, 2008
Title: **METHOD AND APPARATUS FOR AFFINITY CARD CONSOLIDATION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This decision is a reply to the communication filed December 02, 2008. The communication is being treated as a petition requesting reconsideration of the previous decision of November 10, 2008, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed June 30, 2008.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1594.

Clayton E. LaBalle

Clayton E. LaBalle, T-QAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,355	06/30/2008	Gregory W. Alexander	AUS920080339US1	1793

48150 7590 12/11/2008
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
2112	

MAIL DATE	DELIVERY MODE
12/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

12/08/08

In re Application of: Alexander, et al
Serial No.: 12/165,355
Filed: June 30, 2008
Docket: AUS920080339US1
Title: ERROR DETECTION ENHANCEMENT IN A MICROPROCESSOR THROUGH THE USE OF A SECOND DEPENDENCY MATRIX

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 that the dependent claims will be grouped together with and not to separately argue the patentability of any independent claim from which they depend during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I. 1-4 & II. 1-5, 5.1, 6.1, 6.4 & 6.6 above are considered to have been met. However, the petition fails to comply with conditions II. 5.2, 5.3, 6.2, 6.3, & 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items 5.2 - 5.3 above, the pre-exam search must be directed to the (instant) claimed invention and encompass all of the disclosed features of the (instant) claims. The search logic does not seem to include the inventive concept or features included in the claim language and identified by Petitioner in the detailed explanation of patentability of the claims over the cited references. The search should consider individual features, combination of features as well as synonyms. The search should also cover the broadest scope encompassed by the claims. Based upon the claimed subject matter of the instant application, the following supplemental suggested search is presented:

Additional Class(es)/Subclass(es) should be searched:

714/752, 753, 757, 799, 800, 801 and 802; and additional text search terms (and rationale) are noted below:

1.) 'issue logic' seems to be a major recited claim limitation, yet search term for same 'issue logic' is absent from text searches indicated.
2.) spec at page 4 line 13: 'secondary dependency matrix' is a delayed version of the primary dependency matrix, thus requiring a search term made up at least of 'delayed or aged or latency:' only 'age' appears as a text term on page 8 of the search report.
3.) spec at pages 1-2: applicant describes that the related art already encompasses matrix dependency and issue logic with design inefficiencies that the instant invention overcomes by bypassing issue-logic/extra-dependency-check duplicating. Search terms including variations of: 'bypass/ignore/neglect/inhibit/avoid' along with 'copy/duplicate' would also be required.

Please note, class 371 subclasses 2, 37, 49 and 50 are obsolete and are no longer active, yet such have been indicated to have been searched on page 1 of the Pre-Examination Search Document.

The additional search recommendations were confirmed with and supporting rationale provided by a (Primary) examiner in the pertinent art area.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.2 above, Petitioner fails to identify where **each limitation of the claim** is disclosed by any of the references specifying **where the limitation is disclosed in the cited reference**. The petition briefly identifies subject matter disclosed in each of the references. The petition fails to correlate this to any of the claim

[1] MPEP 8th ed. rev 5 August 2006

limitations, as is required. Further, the petition lacks sufficient reference to particular portions of the disclosure by reference to figure(s), element(s) or column/lines where any of the claim limitations are disclosed in any of the cited prior art references.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.3 above, Petitioner fails to provide a detailed explanation of how the claim is patentable over any of the references cited with particularly required by 37 CFR 1.111(b) and (c). Specifically, Petitioner should ensure that the above discussion is directed to how the language of (each of) the claim(s is) **specifically** distinguishable and patentable from each of the references provided in requirement (6.1) above, ***rather than to repeat essentially the entirety of the claim(s)***. The office cannot infer or guess what Petitioner believes the differences between the claim(s) and the teaching of the prior art to be. Furthermore, it would be difficult to conclude that the pre-examination search was directed to the claimed invention if essentially none of the claimed limitations were found in the prior art deemed "most closely related" by Petitioner. Clarification is required.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, Petitioner fails to identify where each limitation <u>of the</u> <u>instant</u> <u>claims</u> finds support under 35 USC 112, first paragraph, in the written description of the specification. Support for each limitation of each pending claim must be properly identified (by page, line or paragraph and/or figure). Specifically, reference is made to Petitioner's ***general*** allegation that support in the disclosure under 35 USC 112, first paragraph, is found on page 5 line 24 to page 7 line 5 of the specification. MPEP 2162 is reproduced below:

> **2162 Policy Underlying 35 U.S.C. 112, First Paragraph**
> To obtain a valid patent, a patent application must be filed that contains a full and clear disclosure of the invention in the manner prescribed by 35 U.S.C. 112, first paragraph. The requirement for an adequate disclosure ensures that the public receives something in return for the exclusionary rights that are granted to the inventor by a patent. The grant of a patent helps to foster and enhance the development and disclosure of new ideas and the advancement of scientific knowledge. Upon the grant of a patent in the U.S., information contained in the patent becomes a part of the information available to the public for further research and development, subject only to the patentee's right to exclude others during the life of the patent.
> In exchange for the patent rights granted, 35 U.S.C. 112, first paragraph, sets forth the minimum requirements for the quality and quantity of information that must be contained
>
> in the patent to justify the grant. As discussed in more detail below, the patentee must disclose in the patent sufficient information to put the public in possession of the invention and to enable those skilled in the art to make and use the invention. The applicant must not conceal from the public the best way of practicing the invention that was known to the patentee at the time of filing the patent application. Failure to fully comply with the disclosure requirements could result in the denial of a patent, or in a holding of invalidity of an issued patent.

The requirement of MPEP § 708.02(a)(I.)(I)(5) and item II. 6.5 above clearly states that the petitioner is required to **specifically identify corresponding elements in the figures** and **specifically identify where the corresponding <u>written description</u> in the cited portions of the instant specification** can find support under 35 U.S.C. § 112, first paragraph **for each limitation of claim 1**. A review of the page 5 line 24 to page 7 line 5 of the instant specification does not appear to provide direct support of all of the claim 1 limitations. It is pointed out that the written

description requirement has several policy objectives. The essential goal of the description of the invention requirement is to clearly convey the information that an applicant has invented the subject matter which is claimed. Another objective is to put the examiner in possession of what the applicant claims as the invention – the written description requirement implements the principle that a patent application must describe the technology that is sought to be patented; the requirement serves both to satisfy the inventor's obligation to disclose the technologic knowledge upon which the application is based and to demonstrate that the applicants were in possession of the invention that is claimed. Further, the written description requirement promotes the progress of expedite examination by ensuring that applicants adequately describe their inventions in sufficient detail in their applications in exchange for the right to take-up out of order of examination. Thus, the petition fails to satisfy the requirements of MPEP § 708.02(a)(I.)(I)(5) and item II. 6.5 above.

Clarification and identification of support for each limitation in the claim is required.

Thus, the petition does not meet the conditions II. 5.2 - 5.3 and 6.2, 6.3, & 6.5 above.

DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given ***a single opportunity*** to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a) is permitted) from the date of this decision in order to be considered timely. Any request for reconsideration ***must fully address all of the deficiencies indicated above***. [emphasis added]

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

Brian L. Johnson
Quality Assurance Specialist, WG 2110
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,355	06/30/2008	Gregory W. Alexander	AUS920080339US1	1793

48150 7590 01/23/2009
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
2112	

MAIL DATE	DELIVERY MODE
01/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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1/22/2009

MCGINN INTELLECTUAL PROPERTY LAW
GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

In re Application of: ALEXANDER, et al.
Serial No.: 12/165,355
Filed: June 30, 2008
Docket: AUS920080339US1

Title: ERROR DETECTION ENHANCEMENT IN A MICROPROCESSOR THROUGH THE USE OF A SECOND DEPENDENCY MATRIX

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on January 12, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on June 30, 2008 was dismissed in the decision mailed on December 11, 2008.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election

without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance. .

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

Brian Johnson, WQAS 2110
Technology Center 2100
Computer Architecture, Software and Information Security

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

AUG 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Keun Do Ban	:	
Application No. 12/165,388	:	DECISION GRANTING PETITION
Filed: June 30, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 00939B-171800US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 26, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 17, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2895 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

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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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,403	06/30/2008	SIU CHI CHAN	CA920080039US1	1858

79452 7590 08/07/2008
Shimokaji & Associates, P.C.
8911 Research Drive
Irvine, CA 92618

EXAMINER
ZHEN, WEI Y

ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
08/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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August 6, 2008

Carl A. Giordano
Shimokaji & Associates, P.C.
8911 Research Drive
Irvine, CA 92618

In re Application of: Siu Chi Chan et al. Serial No.: 12/165,403 Filed: June 30, 2008 Docket: CA920080039US1 Title: IRREDUCIBLE REGION COMMONING COMPILE SPEED	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, 2008to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I1-I4, II1-II4, II5.1-II5.3, II.6.1-II6.6 above are met. Therefore, the petition meets the required conditions to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

DECISION

For the above-stated reasons, the petition is **Granted**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply

within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed Gail Hayes, Quality Assurance Specialist, at (571) 272-3591.

/Gail Hayes/

Gail Hayes, Quality Assurance Specialist
Technology Center 2100

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

SCHMEISER OLSEN & WATTS
18 E UNIVERSITY DRIVE
SUITE # 101
MESA, AZ 85201

Mail Date: 06/21/2010

Applicant	: Sang-Yun Lee	: DECISION ON REQUEST FOR
Patent Number	: 7671371	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/165,445	: OF WYETH
Filed	: 06/30/2008	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,449	06/30/2008	Kenji NAKAMURA	SUTOSH.231AUS	1918

7590 11/05/2009
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EXAMINER
KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
2423	

NOTIFICATION DATE	DELIVERY MODE
11/05/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

Refund Ref:
11/04/2009 0300076371

Credit Card Refund Total: $510.00

Master C: XXXXXXXXXXXX5583

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DEC 18 2008
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TECHNOLOGY CENTER 2600

IBM - SPP
SHIMOKAJI & ASSOCIATES, P.C.
8911 Research Drive
Irvine CA 92618

In re Application of:
MARR, RAYMOND LEONARD III
Serial No.: 12/165,450
Filed: June 30, 2008

Title: **SYSTEM FOR SELF-SERVICE CHECKOUT INVENTORY CONTROL**

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 are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. Items 5.2, 5.3, 6.2 and 6.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The search was too narrow. Search should have additionally included Class/subclass:

340/572+ and 340/10.1+

Furthermore, under the heading **Databases Searches:** petitioner makes reference to multiple databases and resources by indicating "See attached report". However, there are currently no attached search reports of record which are to be provided under section 8(A). If any request for reconsideration is filed, the alleged attached reports must be provided with the request and/or an identification of all of the search logic, name of the files, the database service and date of all of the database searches.

Regarding the requirement in item 6.2 above, the Accelerated Examination Support Document is deficient because section 9(B) titled "Identification of Limitations Disclosed by References" provides only a broad general description of five of the seven references cited. However, the petition fails to identify all of the limitations in the claim of the application that are disclosed by each reference cited and specifying where each limitation is disclosed by each cited reference as required by item 6.2. Clarification is required

Regarding the requirement in items 6.2 and 6.3 above, petitioner does not provide an identification of claimed limitations and/or a detailed explanation of patentability of the claim ***with respect to each reference*** cited in the IDS in support of the Accelerated Examination Support Document. Petitioner has only identified and also argued the patentability of the claim in regard to five of the seven cited references in the IDS filed with the accelerated examination support document . The Accelerated Examination Support Document does not provide an identification of claimed limitations and/or a detailed explanation of patentability of the claim with respect to the other two cited references JP200781746 and NPL document "Efficient Object Identification with passive RFID tags". *Therefore, any request for reconsideration must provide a detailed explanation in regard to the claim with respect to the other two cited references as set forth in items 6.2 and 6.3 above.*

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5.2 and 5.3 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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IBM - SPP
SHIMOKAJI & ASSOCIATES, P.C.
8911 Research Drive
Irvine CA 92618

In re Application of:
MARR, RAYMOND LEONARD III
Serial No.: 12/165,450
Filed: June 30, 2008

Title: **SYSTEM FOR SELF-SERVICE CHECKOUT INVENTORY CONTROL**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration filed January 21, 2009, which is also a response to the petition decision mailed December 18, 2008. The request for reconsideration filed January 21, 2009 is considered together with the original petition filed 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 **DENIED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

PERTINENT BACKGROUND INFORMATION

The petition decision mailed December 18, 2008 set forth that the originally filed petition failed to comply with conditions set forth under section II. items 5.2, 5.3, 6.2, and 6.3 above.

The requirement in section II, item 6.2 and 6.3 have not been met by the January 21, 2009 Amended Accelerated Examination Support Document. As set forth in the decision mailed December 18, 2008,

> Regarding the requirement in item 6.2 above, the Accelerated Examination Support Document is deficient because section 9(B) titled "Identification of Limitations Disclosed by References" provides only a broad general description of five of the seven references cited. However, the petition fails to identify all of the limitations in the claim of the application that are disclosed by each reference cited and specifying where each limitation is disclosed by each cited reference as required by item 6.2. Clarification is required
>
> Regarding the requirement in items 6.2 and 6.3 above, petitioner does not provide an identification of claimed limitations and/or a detailed explanation of patentability of the claim *with respect to each reference* cited in the IDS in support of the Accelerated Examination Support Document. Petitioner has only identified and also argued the patentability of the claim in regard to five of the seven cited references in the IDS filed with the accelerated examination support document. The Accelerated Examination Support Document does not provide an identification of claimed limitations and/or a detailed explanation of patentability of the claim with respect to the other two cited references JP200781746 and NPL document "Efficient Object Identification with passive RFID tags". *Therefore, any request for reconsideration must provide a detailed explanation in regard to the claim with respect to the other two cited references as set .forth in items 6. 2 and 6. 3 above.*

A review of the Accelerated Examination Support Document filed January 21, 2009 shows fourteen references cited in sections 9(A) and 9(B). Of the fourteen references, the two references cited in the previous Information Disclosure statement identified as not being discussed are still not addressed. Accordingly, the Accelerated Examination Support Document remains deficient.

The requirements in section II, item 6.2 has not been met by the January 21, 2009 Amended Accelerated Examination Support Document. As set forth in the decision mailed December 18, 2008, **section 9(B) titled "Identification of Limitations Disclosed by References" provides only a broad general description of five of the seven references cited. However, the petition fails to identify all of the limitations in the claim of the application that are disclosed by each reference cited and specifying where each limitation is disclosed by each cited reference as required by item 6.2.** The fourteen references identified still provide only a broad

general description of each reference and "fails to identify all of the limitations in the claim of the application that are disclosed by each reference cited and specifying where each limitation is disclosed by each cited reference as required by item 6.2".

Also, the requirements in section II, item 6.2 and 6.3 have not been met by the January 21, 2009 Amended Accelerated Examination Support Document. As set forth in the decision mailed December 18, 2008, **petitioner does not provide an identification of claimed limitations and/or a detailed explanation of patentability of the claim *with respect to each reference* cited in the IDS in support of the Accelerated Examination Support Document. Petitioner has only identified and also argued the patentability of the claim in regard to five of the seven cited references in the IDS filed with the accelerated examination support document. The Accelerated Examination Support Document does not provide an identification of claimed limitations and/or a detailed explanation of patentability of the claim with respect to the other two cited references JP200781746 and NPL document "Efficient Object Identification with passive RFID tags".** A review of the Amended Accelerated Examination Support Document filed January 21, 2009 finds that section 9(A) states that "An Information Disclosure Statement in compliance with 37 CFR 1.98 has been filed or is filed, herewith, citing each of the following references deemed most closely related to the subject matter of the claim". Applicant then provides a listing including the five references that were already discussed in the original Support Document. However, there remains the fact that the previously two cited references on the originally filed IDS have not been further discussed in items 9(B) or 9(C), as required in the decision mailed December 18, 2008. Namely, JP200781746 and NPL document "Efficient Object Identification with passive RFID tags. Accordingly, the Accelerated Examination Support Document remains deficient. In accordance with items 6.2 and 6.3 above, the necessary detailed discussions must be in regard to **each** cited reference.

The requirements in section II, items 5.2 and 5.3 have been met.

DECISION

Accordingly, the petition taken together with the request for reconsideration 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 Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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Shimokaji & Associates, P.C.
8911 Research Drive
Irvine CA 92618

In re Application of:
BRYANT et al.
Serial No.: 12/165,485
Filed: June 30, 2008
Attorney Docket No.: RPS920080175US1
Title: **USE TAGGING IN TELEVISION PROGRAMS FOR SCENE FILTERING AND ALERTS**

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 expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I above are considered to have been met. However, the petition fails to comply with conditions II, items 5.1, 6.2-6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of item 5.1 above, the preexamination search document provided with the instant petition is deficient as follow:

The search is too narrow. The search should have additionally included the following class/ subclass:

725/9, 20, 25, 28, 34, 45, 46, 47, 136, 139, 149, 151.

Also, the search logic should be more detailed using a number of different strings. Other terms need to be used in various combinations, such as:

"detecting rating content", "marking/setting/pre-setting ... user's rating content", "pre coded content", "pre tagged content", "user customization" (same paragraph) "content", "parental control", "parental guidance" or "PG" or "mature content", "mature language", "television/TV", "video program/programming", "genre", "content filtering", "content blocking", "detecting content", "alert/warning", "visual notification", "audio notification", "message notification", "bookmarked scene", "bookmarked segment", "tagged segment", "tagged video clip", "video segment", "video portion", "icon display/displaying", "visual alert", "user profile", "warning icon", "objectionable content", "cable TV", "CATV", "satellite broadcasting", "video frame", "moving picture", and "user preference".

The keyword operators should be modified to include searching in all listed field of search areas.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per item 5.1 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

Regarding the requirements of item 6.3 above, petitioner has provided a discussion of the three references in details but has not argued each limitation. Even taken in combination with the discussion of the claim in section 9(A), the Accelerated Examination Support Document is deficient because section 9(C) fails to provide a "detailed explanation of how each of the limitation (of claim 1) is patentable over each of the references cited particularly required by 37 CFR 1.111(b) and (c) (emphasis added). Clarification is required.

For the reasons cited above, the petition does not meet the conditions II. 6.3 above.

DECISION

For the above-stated reasons, the petition is **dismissed.** The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Eileen Lillis, Quality Assurance Specialist, at (571) 272-2986.

/Kenneth A. Wieder/

Kenneth A. Wieder,
Quality Assurance Specialist
Technology Center 2600

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WASHINGTON, DC 20231
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Daniel M. Northfield
SHIMOKAJI & ASSOCIATES, P.C.
8911 Research Drive
Irvine CA 92618

DEC 1 2 2008

In re Application of:
BRYANT et al.
Serial No.: **12/165,485**
Filed: June 30, 2008
Docket: RPS920080175US1
For: **USE TAGGING IN TELEVISION PROGRAMS FOR SCENE FILTERING AND ALERTS**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on October 24, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on June 30, 2008 was dismissed in the decision mailed on September 25, 2008.

The renew petition to make the application special is **GRANTED** as the new Support Document meets the requirements of conditions II 6.3 and the new Search Document meets the requirements of conditions II 5.1 that were deficient in the original petition.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

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 Christopher Grant, Quality Assurance Specialist, at (571) 272-7294. A second point of Contact is Chau Nguyen at (571)-272-3126.

/Christopher Grant/

Christopher Grant
Quality Assurance Specialist
Technology Center 2400
Networking, Multiplexing, Cable and Security

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/4/10

TO SPE OF : ART UNIT 3612 DAYOAN Darrell (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/165512 Patent No.: 7681935

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

H. Flop

Certificates of Correction Branch

703-756-1571 _____

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: _____

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

SPE

3612
Art Unit

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MAILED

JAN 08 2009

TECHNOLOGY CENTER 2100

Snell & Wilmer L.L.P. (IBM Corp)
600 Anton Blvd
Suite 1400
Costa Mesa CA 92626

In re Application of: PETERS, Matthew F.
Serial No.: 12/165,513
Filed: June 30, 2008
Docket: GB920080065US1
Title: METHOD AND APPARATUS FOR PREVENTING PHISING ATTACKS

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. The preexamination search must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111 (b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify:

(1) each means-(or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and

(2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must

also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. §103(c).

REVIEW OF FACTS

The conditions [I. 1-4, II, 1-5, II. 5.2 - 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. 5.1, II. 6.3, II. and 6.5]. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP 708.02(a) VIII (C) or I (H), and item II. 5.1 above, the Preexamination Search Document (PESD) must include: an identification of the field of search by United States class and subclass and the ***date of the search***, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.

The PESD indicated U.S. Field of Search including class(es)/subclass(es) searched **fails to show the date** of the search as required. Furthermore, the indicated class/subclasses contain approximately **9,248** references. MPEP §719.05 states that a *classification search* is defined as a complete search of **all** the documents in a particular subclass, and it is not limited by any text query or other means.

Petitioner should **clarify** whether all references in these class and subclasses were reviewed or the classification search was limited by any the text search logic; and if so, how, and what specific search logic combination was used.

Based upon the claimed subject matter of the instant application, a search in the following class/subclass in addition to class/subclass listed in the preexamination search document are recommended in order to provide full coverage of where the most pertinent references are most likely to be found:

U.S. Field of Search:

709/206 subject matter further comprising means or steps for processing user data in response to a demand to transfer data between the computers (e.g., **electronic mail messaging**).

Regarding search logic/strategy performed on May 29-30, 2008 using USPTO's EAST database (at least)(see page 2 of PESD), it is noted that text string "L5"

L5 7 (phish$ or spoof$ fraud$6 spam scam imposter) and (bookmark book$1 mark) same browser not 3

It is noted, this string makes reference to another string/line, namely, "7", that is L7 which does not exist in currently listing, if indeed L7 does not exist this should have produced an error. Clarification/correction is required.

Due to the deficiencies identified above, Petitioner should review the search document and **update the search** to rectify the deficiencies and/or provide **any clarification required and/or** if deemed necessary.

Regarding to the requirement of MPEP 708.02(a) (I) (2-3) and item II 6.3 above, the Accelerated Examination Support Document (AESD) must include: 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). Namely, pointing out the **specific distinctions** believed to render the claims, patentable over any applied references.

Regarding the 9(C) Detailed Explanation of Patentability statement, the AESD does not *specifically* properly *compare/contrast* the claimed invention with respect to the relevant teachings in the prior art in the identified references.

Petitioner's statement that the claimed features that are not taught with respect to **each reference individually**, namely, "the reference *fails to disclose or suggest the invention of claim 1*" does not comply with the requirements. A general allegation that "*all of the references fail to at least teach ... and therefore patentably distinguish over each of the references alone or in combination*" would also not comply with the requirements.

More specifically, the AESD patentability statement further fails to discuss whether the **combination of the references** would have been rendered obvious to one of ordinary skill in the art at the time the invention was made. Additionally, it fails to discuss whether any of the claimed features not explicitly taught or suggested by the references can be asserted to be well-known or to be common knowledge in the art, whereby one could take official notice of these claimed features and thus be obvious.

The prior art is not limited just to the references being applied, but includes the understanding of one of ordinary skill in the art. The prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, patentability determinations must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. The "mere existence of differences between the prior art and an invention does not establish the invention's nonobviousness" (MPEP §2141).

Petitioner is requested to clearly point out claim limitations not taught by any of the references and how the limitations are patentably distinguished over the references cited alone or in combination. See Sample AE Support Document on line at the USPTO website using the link: http://www.uspto.gov/web/patents/accelerated/

Regarding the requirement of MPEP §708.02(a)(I)(5) and item II 6.5 above, the accelerated examination support document (AESD) must include: a showing of where **each limitation of the claim** finds support under 35 USC 112, first paragraph, in the written description of the specification.

Petitioner identifies the support for the claimed features by referring to Figs. 1A to Fig. 1, and at least in paragraph [0009].

Regarding paragraph [0009], it is noted that to satisfy the written description requirement, a patent specification must describe the claimed invention in *sufficient detail*

that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. Possession may be shown in a variety of ways including description of an actual reduction to practice, or by showing that the invention was "ready for patenting" such as by the *disclosure of drawings* or structural chemical formulas that show that the invention was complete, or by *describing distinguishing identifying characteristics* sufficient to show that the applicant was in possession of the claimed invention (MPEP §2163).

Thus, paragraph [0009] from the *Summary of Invention* section of the specification is an verbatim excerpt to the claim language, *which lacks a detail description of the invention*, as such, does not describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed. Correction is required.

In general, this requirement can be satisfied by listing verbatim all the presently filed claims (by "copy and paste") and by indicating where the instant application (and separately each one of the priority documents - if applicable) teaches each discrete limitation (without bundling limitations together to the extent possible) in each one of said presently filed claims, by indicating the element number and/or the relevant page and line numbers.

DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

If attempts to reach the undersigned by telephone are unsuccessful, Tod Swann, Quality Assurance Specialist, can be reached at (571) 272-3612.

/bp/

/Kim Huynh/

Kim Huynh,
Quality Assurance Specialist
Technology Center 2400
Computer Architecture, Software and Information Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,513	06/30/2008	Matthew F. Peters	GB920080065US1	2011

80692 7590 01/09/2009
Snell & Wilmer L.L.P. (IBM Corp)
600 Anton Blvd
Suite 1400
Costa Mesa, CA 92626

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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FEB 19 2009

TECHNOLOGY CENTER 2100

Dianoosh Salehi
Snell & Wilmer L.L.P. (IBM Corp)
600 Anton Blvd
Suite 1400
Costa Mesa CA 92626

In re Application of: PETERS, Matthew F.
Serial No.: 12/165,513
Filed: June 30, 2008
Docket: GB920080065US1
Title: METHOD AND APPARATUS FOR PREVENTING PHISHING ATTACKS

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renew petition filed on January 30, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on June 30, 2008. That petition was dismissed in a decision mailed on January 08, 2009 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The re-new petition to make the application special is **DENIED**.

Regarding the Renewed Petition filed on January 30, 2009, the following deficiency(ies) is/are noted with respect to condition II. 6.1 and II. 6.3, as explained below.

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.

Petitioner's supplemental pre-examination support document (PESD) includes additional references as result of requested updated search. Namely, **HELSPER et. al.** and **YASUDA**. These additional references have been included in sections 9(A) References deemed most closely related and 9(B) Identification of claim limitations disclosed by references, however, there is no corresponding Information Disclosure Statement (IDS) in compliance with 37 CFR 1.98 citing each of these additional references deemed most closely related to the subject matter of the claim(s), as required.

Regarding to the requirement of MPEP §708.02(a) (I) (2-3) and item II 6.3, the accelerated examination support document (AESD) must include: 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).

The AESD points out that none of the reference teaches the limitations of the claimed invention, i.e. claim 1. However, the AESD's statement fails to describe how the claim is patentable over the references cited as a whole, i.e. *the combination of all references*. Identification of all the limitations in the claim that are disclosed by each of the references individually is not a requirement of section 9(C) Detailed Explanation of Patentability.

The AESD's statement fails to discuss what are the claimed limitations which *all* of the references fail to teach or suggest implicitly or explicitly and how the combination of the references fails to render the claims obvious, given that obviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so (MPEP §2143.01).

Petitioner is urged to visit USPTO web site to see Sample AE support document at: http://www.uspto.gov/web/patents/accelerated/.

DECISION

For the above stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Applicant is reminded that any single failure to meet each of the requirements of the petition is sufficient for denial, but all deficiencies are being noted as a courtesy should petitioner wish to submit another petition in any continuing 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/

Beatrice Prieto for

Kim Huynh, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,513	06/30/2008	Matthew F. Peters	GB920080065US1	2011

80692 7590 02/19/2009
Snell & Wilmer L.L.P. (IBM Corp)
600 Anton Blvd
Suite 1400
Costa Mesa, CA 92626

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
02/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

APR 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Breazeale	:	
Application No.12/165,538	:	DECISION ON PETITION
Filed: June 30, 2008	:	
Attorney Docket No. 22287-003001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The 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 replacement drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed July 17, 2008, is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,175.00 extension of time fee submitted with the petition on March 26, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,544	06/30/2008	Keith Scott	M-17291 US	2049

32605 7590 06/24/2010
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EXAMINER
ZETTL, MARY E

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
06/24/2010	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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Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas TX 75219

In re Application of	:	
Keith SCOTT	:	DECISION ON PETITION
Application No. 12/165,544	:	TO MAKE SPECIAL UNDER
Filed: 30 June 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. M-17291 US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 10 June 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **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 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 instant petition complies with items 1 – 8 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 2875 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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.
12/165,568	06/30/2008	Robert M. Zubrin	RZ-006R	2083

65513 7590 11/18/2008
KD SECURE
ATTN: DANIAR HUSSAIN
101 MAIN STREET
18 FLOOR
CAMBRIDGE, MA 02142

EXAMINER
HARCOURT, BRAD

ART UNIT	PAPER NUMBER
3676	

MAIL DATE	DELIVERY MODE
11/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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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NOV 17 2008

KD Secure
Attn: Daniar Hussain
101 Main Street
18th Floor
Cambridge, MA 02142

In re application of Robert M. Zubrin et al. Application No. 12/165,568 Filed: June 30, 2008 For: CONTROL SYSTEM AND METHOD FOR CONTROLLING A HYBRID PETROLEUM EXTRACTION/POWER GENERATOR	: **DECISION ON PETITION** : **TO MAKE SPECIAL FOR** : **NEW APPLICATION** : **UNDER 37 CFR 1.102**

This is a decision on the petition filed on November 6, 2008 to make the above-identified application special for Energy under 37 C.F.R. § 1.102(c).

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 Energy under 37 C.F.R. § 1.102(c) is not acceptable at least because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition of November 6, 2008 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 November 6, 2008, the petition must be considered under the new guidelines. Therefore this petition is **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 Steven N. Meyers, Quality Assurance Specialist at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 11/16/08

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DIW Dec-08

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE CA 94085

COPY MAILED
DEC 02 2008

In re Application of	:
Kholodenko, Lin, Ginzburg,	: DECISION REFUSING STATUS
Mandelboym, Tomasch, and Husain	: UNDER 37 CFR 1.47(a)
Application Number: 12/165577	:
Filing Date: 06/30/2008	:
Attorney Docket Number:	:
LAM2P638	:

This is in response to the petition under 37 CFR 1.47(a) filed on October 31, 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 30, 2008, without an executed oath or declaration. Accordingly, on July 21, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration, a surcharge for its late filing, and replacement drawings.

In response, on October 31, 2008, the present petition was filed, accompanied by a two (2) month extension of time, replacement drawings, and a declaration naming Arnold Kholodenko, Chen-yu Lin, Leon Ginzburg, Mark Mandelboym, Gergory A. Tomasch, and Anwar Husain as joint inventors, signed by all inventors except non-signing inventor Tomasch on behalf of themselves and non-signing inventor Tomasch.

Petitioners assert, via the statement of registered patent practitioner Konrad Chan, that, *inter alia*, he sent correspondence including the declaration to the non-signing inventor's last known address. Attorney Chan also states that he provided formal papers to joint inventor Chen-yu Lin to distribute to the other inventors, including non-signing inventor Tomasch, and that the non-signing inventor sent back a letter whereby he refused to sign the declaration without receiving compensation.

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 item (1).

In regards to item (1), petitioners have not shown that a copy of the application as filed (specification, including claims, drawings, if any, and the declaration) was sent to each of the non-signing inventors.[1]

At the outset, it does not appear that a copy of the application as filed was ever sent or given to the non-signing inventor. To this end, it does not appear that a copy of the specification, including the claims, drawings, if any, as well as the declaration) were among the papers sent by practitioner Chan to the non-signing inventor on October 22, 2008.

Furthermore, with regard to the statement in attorney Chan's declaration that "formal papers" were sent to joint inventor Lin to forward to the non-signing inventor, it is unclear whether the "formal papers" included a copy of the application as filed (specification, including the claims, drawings, if any, and the declaration). Petitioners may show proof that a copy of the application was sent or given to the non-signing inventors for

[1] MPEP 409.03(d).

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.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE CA 94085

MAILED

APR 0 1 2009

OFFICE OF PETITIONS

In re Application of	:
Kholodenko et al.	: DECISION NOTING JOINDER
Application Number: 12/165577	: OF INVENTOR AND PETITION
Filing Date: 06/30/2008	: UNDER 37 CFR 1.47(a) MOOT
Attorney Docket Number:	:
LAM2P638	

Papers filed on February 25, 2009, in response to the decision dismissing petition mailed on December 2, 2008, included a Declaration signed by the previously non-signing inventor, in compliance with 37 CFR 1.63, as well as a one (1)-month extension of time.

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 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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SEP 0 1 2009

American Pioneer Ventures
Attn: Daniar Hussain
845 Third Avenue
6th Floor
New York, NY 10022

In re application of	:	**DECISION ON PETITION**
Robert M. Zubrin et al.	:	**TO MAKE SPECIAL FOR**
Application No. 12/165,585	:	**NEW APPLICATION**
Filed: June 30, 2008	:	**UNDER 37 CFR 1.102**
For: SYSTEMS FOR EXTRACTING FLUIDS FROM THE EARTH'S SUBSURFACE AND FOR GENERATING ELECTRICITY WITHOUT GREENHOUSE GAS EMISSIONS		

This is a decision on the petition filed on November 6, 2008 to make the above-identified application special for Energy under 37 C.F.R. § 1.102(c).

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 Energy under 37 C.F.R. § 1.102(c) is not acceptable at least because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition of November 6, 2008 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 November 6, 2008, the petition must be considered under the new guidelines. Therefore this petition is **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 Steven N. Meyers, Quality Assurance Specialist at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 8/29/09

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YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

MAILED

MAY 10 2010

OFFICE OF PETITIONS

In re Application of	:	
WHITTLE, Derrick W. et al.	:	
Application No. 12/165,592	:	DECISION ON PETITION
Filed: June 30, 2008	:	TO WITHDRAW
Attorney Docket No. **085804-703902**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 19, 2010

The request is not approved because it is **MOOT.**

A review of the file record indicates that the power of attorney to YAHOO C/O MOFO PALO ALTO has been revoked by the assignee of the patent application on April 21, 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: **YAHOO! INC. C/O GREENBERG TRAURIG, LLP**
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

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Kile Goekjian Reed & McManus
1200 New Hampshire Avenue, NW
Suite 570
Washington, DC 20036

MAILED

JUN 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Russell Edens	:	
Application No. 12/165,635	:	DECISION ON PETITION
Filed: June 30, 2008	:	TO WITHDRAW
Attorney Docket No. 371.003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 19, 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 Scott W. Houtteman 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 Russell Edens at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Russell Edens**
1371 Trade Center Drive
Traverse City, MI 49686

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
12/165,635	06/30/2008	Russell Edens	371.003

CONFIRMATION NO. 2199

POWER OF ATTORNEY NOTICE

30236
KILE GOEKJIAN REED & MCMANUS
1200 NEW HAMPSHIRE AVE, NW
SUITE 570
WASHINGTON, DC 20036

OC000000036563373

Date Mailed: 06/19/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/19/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Masato Nomiya	: DECISION ON REQUEST FOR
Patent Number	: 7595997	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/165,700	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/01/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Kiyokazu Yamada	: DECISION ON REQUEST FOR
Patent Number	: 7609383	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/165,721	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/01/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,749	07/01/2008	Marco Giandalia	0400382D2	2449

25700 7590 01/29/2010
FARJAMI & FARJAMI LLP
26522 LA ALAMEDA AVENUE, SUITE 360
MISSION VIEJO, CA 92691

EXAMINER
NGUYEN, TUYEN T

ART UNIT	PAPER NUMBER
2832	

MAIL DATE	DELIVERY MODE
01/29/2010	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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FARJAMI & FARJAMI LLP
26522 LA ALAMEDA AVENUE, SUITE 360
MISSION VIEJO CA 92691

In re Application of: GIANDALIA, MARCO ET AL Serial No.: 12165749 Filed: JULY 01, 2008 Attorney Docket No.: **0400382D2**	: : : : :	*SUA SPONTE* DECISION WITHDRAWING HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned for failure to file a response to a restriction requirement mailed on September 04, 2009. A Notice of Abandonment was mailed on January 06, 2010.

A review of the written record shows that applicant has a period of up to five (5) month extension before a proper abandonment can be issued.

In view of the above, it appears that the application was prematurely abandoned.

Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status to await applicant's response. The period for response continues to run from the date of restriction mailed on September 04, 2009.

Inquiries related to this decision should be directed to Elvin Enad at (571) 272-1990.

John W. Cabeca, Director
Technology Center 2800
Circuits/Measuring Testing

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 04/27/2010

Applicant	: Edward J. Jordan	: DECISION ON REQUEST FOR
Patent Number	: 7655144	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/165,821	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/01/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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	12165844	Confirmation Number	2617	Filing Date	2008-07-01
Attorney Docket Number (optional)	102-002-07	Art Unit		Examiner	
First Named Inventor	Joyce Martin				
Title of Invention	JOYWRAP				

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
Joyce		Martin	

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	/Priya Sinha Cloutier/	Date (YYYY-MM-DD)	2008-07-01
Name	Priya Sinha Cloutier	Registration Number	59637

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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES 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 :
JOYCE MARTIN :

Application No. 12165844 :DECISION ON PETITION TO MAKE SPECIAL
Filed: :UNDER 37 CFR 1.102(c)(1)
:

Attorney Docket No. 102-002-07

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 02-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

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,921	07/01/2008	Douglas C. Folts	30020-224001	2743

80841 7590 07/22/2010
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138

EXAMINER
ZHANG, JUE

ART UNIT	PAPER NUMBER
2838	

NOTIFICATION DATE	DELIVERY MODE
07/22/2010	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):

info@ORTPATENT.COM

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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Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge MA 02138

In re Application of	:	
FOLTZ et al.	:	DECISION ON PETITION
Application No. 12/165,921	:	TO MAKE SPECIAL UNDER
Filed: 01 June 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 30020-224001	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 08 July 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **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 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 instant petition complies with items 1 – 8 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 2838 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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SUGHRUE MION PLLC
2100 PENNSYLVANIA AVENUE NW
SUITE 800
WASHINGTON DC 20037

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JUL 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Cho, et al.	:	
Application No. 12/165,929	:	DECISION ACCORDING STATUS
Filed: July 1, 2008	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. Q106185	:	

This is in response to the petition under 37 CFR 1.47(a), filed with the application on July 1, 2008.

The petition under 37 CFR 1.47(a) is **GRANTED**.

On petition, petitioner has established that inventor Sung-gon Jun has refused to sign the application papers. Specifically, petitioner stated that a copy of the application papers was forwarded to the last known address of Jun on March 31, 2008, and that Jun made an oral refusal to sign the declaration. Included was a declaration from the person to whom the refusal was made.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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108-1406 BYEOKSAN APARTMENT
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PALDAL-GU
SUWON-SI
GYEONGGI-DO
REPUBLIC OF KOREA

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OFFICE OF PETITIONS

In re Application of Cho, et al. Application No. 12/165,929 Filed: July 1, 2008 Title: Display Control Method and Display Apparatus and Display System Using the Same	:	LETTER

Dear Mr. Jun:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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HAYES, SOLOWAY P.C.
175 CANAL STREET
MANCHESTER NH 03101

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OCT 1 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Harold J. KOSASKY	:	
Application No. 12/165,988	:	DECISION ON PETITION
Filed: July 1, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. KOSASKY.1000	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 2, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement made by registered attorney Todd A. Sullivan, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 2856 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

2 2 AUG 2008

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Leydig, Voit & Mayer, Ltd
(for Huawei Technologies Co., Ltd)
Two Prudential Plaza Suite 4900
180 North Stetson Avenue
Chicago IL 60601

In re Application of	:
DU	: DECISION ON
Serial No.: 12/166,043	:
Filing Date: 21 July 2008	: PETITION
Attorney's Docket No.: 703238	:
For: METHOD AND APPARATUS FOR REDUCING CROSSTALK BETWEEN DIGITAL SUBSCRIBER LINES	:UNDER 37 CFR 1.137(b)

This is a decision on applicant's petition to revive under 37 CFR 1.137(b) international application no. PCT/CN06/02598 filed 01 July 2008.

On 30 September 2006, applicant filed international application PCT/CN06/02598, which claimed priority of an earlier Chinese application filed 30 September 2005. The deadline for entry into national stage expired thirty months after the priority date or by midnight on 30 March 2008. Thereafter, the application was abandoned for failure to enter national stage in the U.S. before the expiration of the thirty month period.

On 01 July 2008, applicant filed a petition under 37 CFR 1.137(b) to revive international application PCT/CN06/02598 as to the United States abandoned under 35 U.S.C. 371(d) along with a Utility Patent Application Transmittal sheet (PTO/SB/05). The filing of the present continuing application under 35 U.S.C. 111(a) is accepted as the appropriate response under 37 CFR 1.137(b). See MPEP § 711.03(c).

All of the requirements of 37 CFR 1.137(b) for revival have been submitted. Applicants' statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

International application PCT/CN06/02598 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application 12/166,043.

CONCLUSION

Applicant's petition to revive under 37 CFR 1.137(b) is **GRANTED.**

This application is being forwarded to Office of Initial Patent Examination for further processing as an application filed under 35 U.S.C. 111(a), having a filing date of 01 July 2008. The application will then be examined in due course.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,052	07/01/2008	Naoto Tsuji	ASMJP.238AUS	2987

7590 01/15/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
LOUIE, MANDY C

ART UNIT	PAPER NUMBER
1792	

NOTIFICATION DATE	DELIVERY MODE
01/15/2010	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

Refund Ref:
[illegible]

Credit Card Refund Total: [illegible]

Master Cr [illegible]

Adjustment date: 01/14/2010 NFARMER
07/02/2008 INTEFSU 00001911 12166052
02 FC:1111 -510.00 OP

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

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OFFICE OF PETITIONS

In re Application of
Koichi Kawashima et al
Application No. 12/166,058
Filed: July 1, 2008
Attorney Docket No. 079195-0543

DECISION ON PETITION

This is a decision on the petition filed July 24, 2008, under 37 CFR 1.182, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **GRANTED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web.

The Office has accepted petitioner's statement as an assertion that the duplicate application was filed by mistake. Accordingly, the filing fees of $1,380.00, submitted on July 1, 2008, have been credited to petitioner's deposit account no. 50-0417 as requested.

As no further action will be taken in this application, the request for refund of the filing fee is also being construed as a request to expressly abandon the above-mentioned application. Accordingly, this matter is being referred to the Office of Patent Publication for express abandonment of the subject application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,095	07/01/2008	Lindsey Louise ASHWORTH	GB920080174US1 (1963-8022	3062

79395 7590 11/03/2008
MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

ART UNIT	PAPER NUMBER
2193	

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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MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

In re Application of:
Lindsey Louise Ashworth
Serial No.: 12/166095
Filed: July 1, 2008
Docket: GB920080174US1 (1963-8022

Title: USE OF DEFINING IGNORABLE RECTANGLES TO ASSIST WITH ITERATIVE TRANSLATION TESTING

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on July 1, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

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 Corrected Application papers July 8, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Kathy Manke
Avago Technologies Limited
4380 Ziegler Road
Fort Collins CO 80525

MAILED

JAN 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Hans-Joerg Timme	:	DECISION ON PETITION
Application No. 12/166,120	:	TO WITHDRAW
Filed: July 1, 2008	:	FROM RECORD
Attorney Docket No. 2007-52924 US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed November 18, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Ira S. Matsil does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Ira S. Matsil
17950 Preston Rd. Ste. 1000
Dallas, TX 75252

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,144	07/01/2008	Brian D. Busch	069532-0377 (A-8598/US/DI	3137

7590 04/22/2010

FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

EXAMINER
TRAN, HUAN HUU

ART UNIT	PAPER NUMBER
2861	

MAIL DATE	DELIVERY MODE
04/22/2010	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

Refund Ref:
04/22/2010 0030092759

Credit Card Refund Total: $255.00

[illegible]

Adjustment date: 04/22/2010 NFARMER
07/02/2008 INTEFSW 00002509 12166144
02 FC:2111 -255.00 OP

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,167	07/01/2008	Robert E. KLEPPER	1001-A.01	3177

73747 7590 02/03/2010
Range Fuels, Inc.
Attn: Ryan O'Connor
11101 West 120th Ave. Suite 200
Broomfield, CO 80021

EXAMINER

ART UNIT	PAPER NUMBER
1621	

NOTIFICATION DATE	DELIVERY MODE
02/03/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IP@RangeFuels.com
RyanO@rangefuels.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FEB 03 2010

RYAN O'CONNOR
RANGE FUELS, INC.
11101 WEST 120TH AVENUE, SUITE 200
BROOMFIELD, CO 80021

In re Application of	:	
Robert E. KLEPPER et al.	:	DECISION ON PETITION
Application No. 12/166,167	:	TO MAKE SPECIAL UNDER
Filed: July 1, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1001-A.01	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 22nd, 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 above for the reason as explained in more detail below.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 518/704) 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.

The petition lacks item(s) 4 above for the reason as explained in more detail below.

In regard to item 4, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice.

The petition lacks item(s) 5 above for the reason as explained in more detail below.

In regard to item 5, petitioner should note that even if 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, 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.

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 Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1621 for action in its regular turn.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,167	07/01/2008	Robert E. KLEPPER	1001-A.01	3177

73747 7590 06/28/2010
Range Fuels, Inc.
Attn: Ryan O"Connor
11101 West 120th Ave.
Suite 200
Broomfield, CO 80021

EXAMINER
LANGEL, WAYNE A

ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
06/28/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IP@RangeFuels.com
RPO@oconnorcompanypllc.com

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Range Fuels, Inc.
Attn: Ryan O"Connor
11101 West 120th Ave.
Suite 200
Broomfield CO 80021

JUN 28 2010

In re Application of	:	
Klepper et al.	:	DECISION ON PETITION
Application No. 12/166,167	:	TO MAKE SPECIAL UNDER
Filed: 7/1/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **1001-A.01**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/3/2010, 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 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 instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1793 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,194	07/01/2008	Robert E. Klepper	1001-C.01	3223

73747 7590 02/03/2010
Range Fuels, Inc.
Attn: Ryan O'Connor
11101 West 120th Ave. Suite 200
Broomfield, CO 80021

EXAMINER
PARSA, JAFAR F

ART UNIT	PAPER NUMBER
1621	

NOTIFICATION DATE	DELIVERY MODE
02/03/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IP@RangeFuels.com
RyanO@rangefuels.com

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RYAN O'CONNOR
RANGE FUELS, INC.
11101 WEST 120TH AVENUE, SUITE 200
BROOMFIELD, CO 80021

FEB 03 2010

In re Application of	:	
Robert E. KLEPPER et al.	:	DECISION ON PETITION
Application No. 12/166,194	:	TO MAKE SPECIAL UNDER
Filed: July 1, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1001-C.01	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 22nd, 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 above for the reason as explained in more detail below.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 514/700) 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.

The petition lacks item(s) 4 above for the reason as explained in more detail below.

In regard to item 4, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice.

The petition lacks item(s) 5 above for the reason as explained in more detail below.

In regard to item 5, petitioner should note that even if 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, 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.

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 Manjunath Rao at 571-272-- 0939.

The application is being forwarded to the Technology Center Art Unit 1621 for action in its regular turn.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,194	07/01/2008	Robert E. Klepper	1001-C.01	3223

73747 7590 07/07/2010
Range Fuels, Inc.
Attn: Ryan O"Connor
11101 West 120th Ave.
Suite 200
Broomfield, CO 80021

EXAMINER
PARSA, JAFAR F

ART UNIT	PAPER NUMBER
1621	

NOTIFICATION DATE	DELIVERY MODE
07/07/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IP@RangeFuels.com
RPO@oconnorcompanypllc.com

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JUL 0 7 2010

Range Fuels, Inc.
Attn: Ryan O"Connor
11101 West 120th Ave.
Suite 200
Broomfield CO 80021

In re Application of	:	
KLEPPER, Robert et al.	:	DECISION ON PETITION
Application No. 12166194	:	TO MAKE SPECIAL UNDER
Filed: July 1, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1001-C.01	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 3, 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 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 instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1621 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Technology Center 1600

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FOLEY & LARDNER
555 SOUTH FLOWER STREET
SUITE 3500
LOS ANGELES CA 90071-2411

MAILED

APR 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Cary D. Talbot et al	:	
Application No. 12/166,210	:	DECISION GRANTING PETITION
Filed: July 1, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 047711-0430	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 19, 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 previously paid issue fee cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2836 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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JANSSON SHUPE & MUNGER LTD.
245 MAIN STREET
RACINE WI 53403

JUL 15 2008

In re Application of: Liebzeit, Mark.
Application No.: 12/166,216
Filed: July 1, 2007
Title: STEAM-TABLE PAN

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on July 1, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.1, 5.2, 5.3, 6, 6.1, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 6.2, 6.3, 6.4 and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" herein below, the received papers under consideration include the four page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", the "pre-examination search document" including pages 1-7; the "accelerated examination support document" comprising pages 1-64, and an Information Disclosure Statement.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

Petitioner's submission is not specific enough. Petitioner points out some limitations of some of the claims and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address each limitation (i.e., each single limitation, NOT multiple limitations bundled together) and state and where it is (or state that it is not) found in each one of the most closely related prior art. For example, with respect to Zielinski 5,676,276, Petitioner states:

"The Zielinski et al. patent does not teach or suggest a pinch gripping bead including ... a gripping-skirt configured and vertically dimensioned for horizontal pinch-gripping of the bead with an adult's fingers to raise the pan from the steam-table," as required in applicant's claim 1- -"

However, a close look at Zielinski, may suggest the following reasonable reading of section (b) of claim 1, see Zielinski Fig. 2:

(b) a lip-portion 68 integral with the upper edge and protruding outwardly therefrom 34 to overlap the steam-table top, the improvement comprising a pinch-gripping bead (extending from 74 to 33) including an upper portion of the surrounding wall 32, the lip-portion 68, and a gripping skirt (the wall defining the cavity underneath 68 extending to 33) which is integral with the lip-portion 68 extends downwardly therefrom to rest on the steam-table top (at 33), and is configured and vertically dimensioned for horizontal pinch-gripping of the bead (extending from 74 to 33) with an adult's fingers (by putting the index underneath lip 68 and the thumb on top of lip 68) to raise the pan from the steam-table.

The above tentative mapping is given as a hypothetical illustration of the specificity required to comply with the requirements of section II element 6.2. The requirement of section II element 6.2 can be satisfied by listing verbatim ("copy and paste") all the presently filed claims (i.e., the claims of the instant application) and by indicating where <u>each limitation</u> of each one of said presently filed claims is taught (or is not taught) in <u>each one</u> of the cited most closely related references, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time. Applicant's attention is drawn to the fact that the requirement of this element calls for a straight mapping of each single limitation unto the prior art. Section II element 6.2 is not the place to make patentability arguments (see for example AESD pp 54-57 with reference to Sizer) or by bundling together multiple limitations and concluding that the combination is not disclosed (see for example AESD, last paragraph on p. 5 with reference to Zielinski). Patentability arguments should be made only in response to the requirement of section II element 6.3.

With respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each one of the claims is patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of <u>specific claim limitations</u> that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. The Office cannot infer or guess what petitioner believes the <u>specific</u> differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, Petitioner arguments lack specificity because limitations are bundled at least in the argument for claim 1 (the limitation extends over five lines, the bottom two lines on p. 59 and the top three lines on p. 60). In addition, the patentability arguments should be reviewed for accuracy, see for

example the following statement on p. 60, and compare with the mapping suggested above in section II, element 6.2: "Given that all of the references listed above fail to teach or suggest a steam-table pan with a "pinch-gripping bead" one portion of which is a "gripping-skirt,""

For these reasons, the petition does not meet the requirement of section II, element 6.3. The requirement of section II element 6.3 can be satisfied by indicating for each one of the presently filed claims (i.e., the claims of the instant application) which specific limitation(s) in each one of said presently filed claims define(s) over each one of the most closely related references that has been cited. With regard to each dependent claim, there should be an unequivocal statement whether the patentability of each dependent claim is predicated solely on that of the claim from which it depends, or Applicant should provide a detailed explanation of patentability specific to that particular claim (this requirement is presently satisfied). This patentability showing should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time. The patentability arguments that were made under section II, element 6.2 should be moved to the present element 6.3.

Regarding the requirements of section II element 6.4 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in the independent claim. A general statement directed to the overall concept of the invention is not specifically relating the utility to the independent claim as is required by the policy. Petitioner should reference the independent claim specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met because the requirements relevant under 35 U.S.C 112, 6th paragraph, listed above. Should this requirement not apply to the present application, Applicant should make a statement in this regard.

As a courtesy to the Applicant, the following comment is made regarding the large number of references that had to be analyzed to satisfy the requirements of Section II. It is possible for an Applicant to cite references that are not required in an AESD for the examiner to consider. In this case, 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 related to the AESD that is in support of the petition to make special, and similarly, applicant should identify the separate IDS that is not in support of the petition. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim that the references provided in the AESD.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer,

(no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to J. Harrison, Special Program Examiner, at 571 272-4449.

Ehud Gartenberg

Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

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JANSSON SHUPE & MUNGER LTD.
245 MAIN STREET
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AUG 26 2008

In re Application of: LIEBZEIT, MARK
Serial No.: 12/166,216
Filed: July 1, 2008
Title: STEAM-TABLE PAN

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration filed on August 14, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The request has been treated as a renewed petition to make the above-identified application special and has been viewed as a supplement to and in combination with the original petition which was filed on July 1, 2008 and dismissed in the Office letter of July 15, 2008.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the conditions as outlined in the prior petition decision. The conditions are not repeated herein.

REVIEW OF FACTS

As stated in the decision of July 15, 2008 conditions I: 1-4, II: 1-5, 5.1, 5.2, 5.3, 6, 6.1 and 6.6 were considered to have been met. However, the petition failed to comply with conditions II: 6.2, 6.3, 6.4, and 6.5. Upon reconsideration, the petition is considered to additionally meet II: 6.5. However, the petition still fails to meet the requirement of section II: 6.2, 6.3, and 6.4. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DISCUSSION

The lack of compliance with the AESD requirements of section II elements 6.2 and 6.3 will be illustrated via the mapping and patentability arguments of claim 5 in view of prior art Mittmann et al., 6,349, 843.

Claim 5 recites:

5. The steam-table pan of claim 1 wherein the gripping-skirt is substantially vertical.

On p. 9 of the AESD, in response to the requirement of section II element 6.2, Applicant makes the following mapping unto Mittmann:

Comparison to Applicant's Claim 5 -

As with respect to applicant's claim 4, applicant acknowledges that the labeled "prior art" pan of Figure 2 of the Mittmann et al. patent does show rim 20 having what can be referred to as a skirt which is substantially vertical. However, as discussed above, such prior art does not disclose either applicant's "pinch-gripping bead" or the use thereof, and in fact strongly teaches away from applicant's "pinch-gripping bead." Thus, claim 5, like its parent claim, is patentably distinguishable over the Mittmann et al. reference.

Dependent claim 5 does not further claim a "pinch-gripping bead" and therefore the mapping and argument made is not specific to claim 5. A proper mapping of claim 5, in line with Applicant's determination should have been:

"5. The steam-table pan of claim 1 wherein the gripping-skirt 20 is substantially vertical (see prior art of Fig. 2)."

The requirement of section II element 6.2 can be satisfied by listing verbatim ("copy and paste") all the presently filed claims (i.e., the claims of the instant application) and by indicating where <u>each discrete limitation</u> of each one of said presently filed claims is taught (or is not taught) in <u>each one</u> of the cited most closely related references, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. Claim recitations must be complete. Statements such as "Limitation II(b) – (not disclosed)", that do not spell out the relevant limitations should be avoided. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time. Applicant's attention is drawn to the fact that the requirement of this element calls for a straight mapping of each single limitation unto the prior art. Section II element 6.2 is not the place to make patentability arguments by bundling together multiple limitations and concluding that the combination is not disclosed. Patentability arguments should be made only in response to the requirement of section II element 6.3.

On p. 49 of the AESD, in response to the requirement of section II element 6.3, Applicant makes the following patentability argument over Mittmann:

Comparison to Applicant's Claim 5 -

As with respect to applicant's claim 4, applicant acknowledges that the labeled "prior art" pan of Figure 2 of the Mittmann et al. patent does show rim 20 having what can be referred to as a skirt which is substantially vertical. However, as discussed above, such prior art does not disclose either applicant's "pinch-gripping bead" or the use thereof, and in fact strongly teaches

away from applicant's "pinch-gripping bead." Thus, claim 5, like its parent claim, is patentably distinguishable over the Mittmann et al. reference.

Dependent claim 5 does not further claim a "pinch-gripping bead" and therefore the patentability argument made is not specific to claim 5. A proper patentability argument of claim 5, in line with Applicant's determination should have been:

"Claim 5 is patentable solely because of the limitations of Claim 1 from which it depends."

The requirement of section II element 6.3 can be satisfied by indicating for each one of the presently filed claims (i.e., the claims of the instant application) which specific i.e., discrete limitation(s) in each one of said presently filed claims define(s) over each one of the most closely related references that has been cited. With regard to each dependent claim, there should be an unequivocal statement whether the patentability of each dependent claim is predicated solely on that of the claim from which it depends, or Applicant should provide a detailed explanation of patentability specific to that particular claim. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time. Patentability arguments must specifically spell out the relevant limitation(s); prior art patents can be referred to by the last name of the first inventor. Statements such as "Reference A does not teach limitation II(b)" should be avoided.

With regard to the requirement of section II element 6.4, Applicant omitted to make a concise statement of the utility of the invention as claimed in independent claim 6. It is also noted that the requirement under this element calls for a concise statement of the utility of the invention in each independent claim. Applicant's statement of the utility of claim 1 exceeds one page, and it also refers to dependent claims 2-5, a feature which is not required.

DECISION

For at least the above-stated reason (for failing to meet the requirement of section II: elements 6.2, 6.3, and 6.4), the petition is **DENIED**. The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to J. Harrison, Special Program Examiner, at 571 272-4449.

Ehud Gartenberg

Ehud Gartenberg
Special Program Examiner
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,224	07/01/2008	Richard C. Curran	1041.013	3273

79464 7590 07/24/2008
Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland, NJ 07068

EXAMINER

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
07/24/2008	PAPER

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Weitzman Law Offices LLC
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Roseland NJ 07068

In re application of
Curran et al
Application 12/166,224
Filed: July 1, 2008
For: **METHOD AND SYSTEM FOR RECORDING ASSET INSTALLATIONS**

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on July 1, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.1 and II.5.2

Condition II.5.1 requires that the search involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement. Applicant has not searched all of the requisite NPL (Non-Patent Literature) databases. For applications in U.S. class/subclass 705/1, where the invention is classified, such as the current application, the NPL (Dialog) searches here miss such databases as Business & Industry, ABI/Inform, Prompt, Gale Group, Gale Group Newsletter. Below is the link to the specific search template associated with the application's classification http://www.uspto.gov/web/patents/searchtemplates/class705-001.htm.

As per Condition II.5.2, the preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation. Applicant's searches are very broad and do not focus on many of the recited claim details. More specifically, Applicant generally searches the concept of asset management associated with drop-down menu and employee. None of Applicant's searches are directed toward the details of "prepopulating at least one field of the independent spreadsheet application with a set of data displayed in a drop-down management database" (as recited in claim 1). As a matter of fact, Applicant asserts that these features contribute to the patentability of the claimed invention; therefore, special emphasis should be placed on these details in the search queries.

A recommended search might be executed in all databases of West with the following search queries:

> L1: (((prepopulat$ or pre adj populat$) near6 (data or information)) near7 ((spreadsheet or database$ or table$)) and drop adj down$)

Please keep in mind that these are non-limiting search suggestions and they are only meant to serve as a possible starting point for Applicant's preexamination search. Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following web site: http://www.uspto.gov/web/patents/accelerated/ Applicant is expected to perform more supplemental searches than the sample search queries listed 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 one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633, or Romain Jeanty, Primary Examiner, at (571) 272-6732.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/RJ/ 7/17/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,224	07/01/2008	Richard C. Curran	1041.013	3273

79464 7590 09/12/2008
Weitzman Law Offices LLC
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Roseland, NJ 07068

EXAMINER

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
09/12/2008	PAPER

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The time period for reply, if any, is set in the attached communication.

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TECHNOLOGY CENTER 3600

Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland NJ 07068

In re application of
Curran et al.
Application No. 12/166,224
Filed: July 1, 2008
For: METHOD AND SYSTEM FOR RECORDING ASSET INSTALLATIONS

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the petition filed on July 1, 2008 and the supplemental petition documents filed August 19, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the

first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated

examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

    If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is

involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to C. Michelle Tarae at (571) 272-6727, Business Practice Specialist.

C. Michelle Tarae

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

CMT/9/9/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,266	07/01/2008	Peter John Cousins	10031.004300	3335

74254 7590 02/19/2010
Okamoto & Benedicto LLP
P.O. Box 641330
San Jose, CA 95164-1330

EXAMINER
VARCO, MICHAEL A

ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
02/19/2010	PAPER

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The time period for reply, if any, is set in the attached communication.

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San Jose CA 95164-1330

FEB 19 2010

In re Application of	:	
Cousins	:	DECISION ON PETITION
Application No. 12/166,266	:	TO MAKE SPECIAL UNDER
Filed: 7/1/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **10031.004300**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 2/8/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **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

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FEB 10 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

In re Application of: IKURO **IWASE**
Application No.: 12/166,330
Filed: July 02, 2008

For: **METHOD FOR MANUFACTURING A PRODUCT, SYSTEM FOR MANUFACTURING A PRODUCT, AND PRODUCT**

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 23, 2008, to make the above-identified application special.

The petition is **DISMISSED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of the latest office actions (other than "Decision to Grant a Patent") from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

Claim 5 of the instant application differs in scope form the corresponding claim 5 of the Japanese allowed application, in that claim 5 of the instant application recites "at least one of the sender, the recipient, and the inheritor", whereas the corresponding limitation in the translated Japanese claim 5 recites "each of the sender, the recipient, and the inheritor".

Applicant is requested to review all the claims in view of the comments above to make sure that all the claims are in compliance with guidelines set forth above for a grantable petition to make special.

The Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be 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 Ricky Ngo 571-272-3139.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Ricky Ngo/

Ricky Ngo
Supervisory Patent Examiner, Technology Center 2400
571-272-3139

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P.O. Box 1450
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JUN 24 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

In re Application of: IKURO **IWASE**
Application No.: 12/166,330
Filed: July 02, 2008

For: **METHOD FOR MANUFACTURING A PRODUCT, SYSTEM FOR MANUFACTURING A PRODUCT, AND PRODUCT**

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 23, 2008, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of the latest office actions (other than "Decision to Grant a Patent") from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition are found to comply with the above requirements. Claim 5 has been amended such that all the claims in the present application are identical to the allowed claims in the corresponding JP Application as required by the Decision on Request mailed on February 10, 2009. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ricky Ngo 571-272-3139.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Ricky Ngo/

Ricky Ngo
Supervisory Patent Examiner, Technology Center 2400
571-272-3139

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Alexandria, VA 22313-1450
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DR. MARK M. FRIEDMAN
C/O BILL POLKINGHORN – DISCOVERY DISPATCH
9003 FLORIN WAY
UPPER MARLBORO, MD 20772

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NOV 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Tomer Teller et al	:	
Application No. 12/166,341	:	NOTICE
Filed: July 2, 2008	:	
Attorney Docket No. 1893/57		

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**.

Telephone inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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GROSSMAN TUCKER PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER, NH 03101

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JUL 13 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Hyon-Jong Cho	:
Application No. 12/166,366	:
Filed: July 2, 2008	:
Attorney Docket No. JWI106DIV	:

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 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. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on September 18, 2008.

The power of attorney received with petition on May 29, 2009 is not accepted. The Statement under 37 CFR 3.73(b) is incomplete and has not been satisfied.

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

cc: LRK Patent Firm
1952 Gallows Rd., Suite 200
Vienna, VA 22182

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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FEB 0 5 2009

OFFICE OF PETITIONS

In re Application of	:
Myerson et al.	: DECISION NOTING JOINDER OF
Application Number: 12/166382	: INVENTOR AND PETITION
Filing Date: 07/02/2008	: UNDER 37 CFR 1.47(a) MOOT
Attorney Docket Number: 5490E-000487/COA	:

This is a decision in reference to the petition under 37 CFR 1.47(a) filed on December 16, 2008.

On December 16, 2008, petitioners filed a declaration signed by all joint inventors except non-signing joint inventor Lisa C. Thompson. The subject petition under 37 CFR 1.47(a) was also filed.

On December 17, 2008, petitioners filed a Declaration under 37 CFR 1.63 signed by the previously non-signing inventor, Lisa C. Thompson.

In view of the joinder of the inventor, 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).

As the fully executed declaration was received prior to treatment of the Rule 47 petition on the merits, no petition fee is due. The petition fee will be credited to counsel's deposit account.

This application will be 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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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

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APR 07 2009

OFFICE OF PETITIONS

In re Application of
Matthias Arnold
Application No. 12/166,401
Filed: July 2, 2008
Attorney Docket Number: **TI-38139**

ON PETITION

This is a decision on the petition filed March 24, 2009 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on October 16, 2008, for failure to timely reply to the Notice to File Missing Parts, mailed August 15, 2008, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The filing of the response to Notice to File Missing Parts mailed August 15, 2008 is acknowledged.

All other requirements having been met ,The application is being forwarded to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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MINNEAPOLIS, MN 55440-1022

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JUL 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Hans-Juergen Mann, et al.	:	
Application No. 12/166,406	:	DECISION GRANTING PETITION
Filed: July 2, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 21070-011002	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 1, 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 May 20, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination of this application should be directed to the Technology Center.

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.

/AMW/
April M. Wise
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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,414	07/02/2008	Keiichi Kawashima	404204	3619

7590 06/18/2010
LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960

EXAMINER
GUMEDZOE, PENIEL M

ART UNIT	PAPER NUMBER
2891	

NOTIFICATION DATE	DELIVERY MODE
06/18/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 06/17/2010 NFARMER
07/22/2008 INTEFSW 00000441 121216 12166414
02 FL:1111 510.00 CR
04 FC:1202 100.00 CR
05 FC:1201 2940.00 CR

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,453	07/02/2008	Takeshi OHASHI	328691US2	3691

7590 08/21/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
NELMS, DAVID C

ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
08/21/2009	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

Refund Ref:
08/21/2009 0030073550

Credit Card Refund Total: $510.00

Acct Exp..: XXXXXXXXXXX1007

Adjustment date: 08/21/2009 NFARMER
07/02/2008 INTEFSW 00005948 12166453
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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BANK OF AMERICA PLAZA
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CHARLOTTE NC 28280-4000

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JUN 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Kim et al.	:	DECISION ON PETITION
Application No. 12/166,463	:	TO WITHDRAW
Filed: July 2, 2008	:	FROM RECORD
Attorney Docket No. 052983/345929	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed May 27, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed June 10, 2010 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,481	07/02/2008	Stephen L. Buchwalter-	YOR920080044US1 (22272)	3742

48233 7590 09/18/2008
SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
09/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CST

9-18-08

In re application of
Stephen L. Buchwalter et al
Serial No. 12/166,481
Filed: July 2, 2008
For: METHOD OF PRODUCING COAXIAL SOLDER BUMP CONNECTIONS USING INJECTION MOLDING OF SOLDER

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on July 2, 2008 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **DISMISSED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition, section II, subsections 1-4, are considered to have been met. However, the petition fails to comply with condition II, subsections 5 and 6.

First, it appears that the search is incomplete. Note that a search in Class 228, subclasses 180.22, 215, 248.1, 256 and 260; Class 438, subclass 614; Class 257, subclass 737 and Class 264, subclasses 400 and 482 is also required.

The statement showing support for the present claim on page 10 of the Accelerated Examination Support Document (AESD) is not sufficient. It is required that petitioner provide a showing of where <u>each</u> limitation of claim 1 finds support under 35 USC 112, first paragraph, in the written description of the present application. Merely stating that support for the claim, as a whole, is found in paragraphs [0013] through [0017] of the specification, as well as Figures 1a through 1e is not sufficient.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is dismissed. The application will therefore be taken up by the examiner in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/ Christine Tierney /

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,481	07/02/2008	Stephen L. Buchwalter	YOR920080044US1 (22272)	3742

48233 7590 11/04/2008
SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
11/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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CST

11-4-08

In re application of Stephen L. Buchwalter et al Serial No. 12/166,481 Filed: July 2, 2008 For: METHOD OF PRODUCING COAXIAL SOLDER BUMP CONNECTIONS USING INJECTION MOLDING OF SOLDER	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the Request for Reconsideration of Petition to Make Special under the Accelerated Examination Program filed on October 15, 2008 to make the above-identified application special.

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 Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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222 BLOOMINGDALE ROAD
SUITE 203
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MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Chun-Kil Jung	:	
Application No. 12/166,483	:	ON PETITION
Filed: July 2, 2008	:	
Attorney Docket No. JISU0290US	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,502	07/02/2008	Teng Hu	END920080163US1	3768

82294 7590 02/10/2009
IBM CORPORATION (ACCSP)
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Omaha, NE 68154

EXAMINER
MOFIZ, APU M

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
02/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Chad W. Swantz
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Omaha, NE 68154-5299

In re Application of: HU et al Serial No.: 12/166,502 Filed: July 02, 2008 Attorney Docket: END920080163US1 Title: FUNCTION IN A RELATIONAL DATABASE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on July 02, 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.

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   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture and Software

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,505	07/02/2008	Steven A. Cordes	YOR920080042US1 (22249)	3778

48233 7590 08/08/2008
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EXAMINER
PATEL, DEVANG R

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
08/08/2008	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

8-8-08

In re application of
Steven Cordes et al
Serial No. 12/166,505
Filed: July 2, 2008
For: HIGH-TEMPERATURE ALLOY STANDOFFS FOR INJECTION MOLDING OF SOLDER

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on July 2, 2008 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **DISMISSED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition, section II, subsections 1-4, are considered to have been met. However, the petition fails to comply with condition II, subsections 5 and 6.

First, it appears that the search is incomplete. Note that a search in Class 228, subclasses 245 and 246; Class 257, subclass 738 and Class 438, subclass 613+ is also required.

Furthermore, the statement showing support for the present claims on page 6 of the Accelerated Examination Support Document (AESD) is not sufficient. It is required that petitioner provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. Merely stating that support for the claims, as a whole, is found in paragraphs [0011] through [0016] and Figures 1a through 1f is not sufficient.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is dismissed. The application will therefore be taken up by the examiner in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,505	07/02/2008	Steven A. Cordes	YOR920080042US1 (22249)	3778

48233 7590 10/15/2008
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EXAMINER
PATEL, DEVANG R

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
10/15/2008	PAPER

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10/15/08

In re application of
Steven Cordes et al
Serial No. 12/166,505
Filed: July 2, 2008
For: HIGH-TEMPERATURE ALLOY STANDOFFS FOR INJECTION MOLDING OF SOLDER

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the Request for Reconsideration of Petition to Make Special under the Accelerated Examination Program filed on September 8, 2008 to make the above-identified application special.

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.

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   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 Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,523	07/02/2008	Steven A. Cordes	YOR920080043US1 (22248)	3809

48233 7590 08/01/2008
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EXAMINER
PATEL, DEVANG R

ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
08/01/2008	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

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glm

8-1-08

In re application of Cordes et al. Serial No. 12/166,523 Filed:, July 2, 2008 For: SOLDER STANDOFFS FOR INJECTION MOLDING OF SOLDER	: : : : : :	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on July 2, 2008 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **DISMISSED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

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3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

DECISION

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-4) are considered to have been met. However, the petition fails to comply with section II, subsections 5 and 6.

First, it appears that the search (section II, subsection 5.1) is incomplete. A search in the following classes and subclasses is required:

228/180.21,180.22,245,246,248.1,248.5,254
257/737,738
438/613,616

Also, the showing of support (section II, subsection 6.5) is overly general and lacks the necessary specificity. The showing should specify where *each limitation* of the claims finds support under the first paragraph of 35 U.S.C. 112 in the written description of the instant specification, rather than merely referring broadly to the large portions of the specification as supporting the invention as a whole.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

For the above-stated reasons, the petition is dismissed. The application will therefore be taken up by the examiner in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Gregory Mills, Quality Assurance Specialist, at (571) 272-1439.

/Gregory Mills/

Gregory Mills
Quality Assurance Specialist
Technology Center 1700

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,523	07/02/2008	Steven A. Cordes	YOR920080043US1 (22248)	3809

48233 7590 09/08/2008
SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER
PATEL, DEVANG R

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
09/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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glm

9/8/08

In re application of Cordes et al. Serial No. 12/166,523 Filed:, July 2, 2008 For: SOLDER STANDOFFS FOR INJECTION MOLDING OF SOLDER	: : : : : :	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the request for reconsideration filed on September 2, 2008 to make the above-identified application special for accelerated procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED.**

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on July 2, 2008. That petition was dismissed in a decision mailed August 1, 2008, wherein a non-extendable period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reasons for the dismissal were that the pre-examination search was incomplete, and that the showing of support was overly general. Note the fourth paragraph of page three of the dismissal:

> Also, the showing of support (section II, subsection 6.5) is overly general and lacks the necessary specificity. The showing should specify where *each limitation* of the claims finds support under the first paragraph of 35 U.S.C. 112 in the written description of the instant specification, rather than merely referring broadly to the large portions of the specification as supporting the invention as a whole.

While the request for reconsideration filed September 2, 2008 has properly completed the pre-examination search, applicant has neither corrected the showing of support nor traversed the requirement to do so. As noted in paragraph seven of the dismissal, "any request for reconsideration must address the deficiencies indicated above." Applicant has failed to address the previously noted deficiency regarding the showing of support. Under these circumstances, the request for reconsideration must necessarily be found unconvincing and the petition inadequate for failing to include a proper showing of support as previously required.

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 Gregory Mills, Quality Assurance Specialist, at (571) 272-1439.

/Gregory Mills/

Gregory Mills
Quality Assurance Specialist
Technology Center 1700

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

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MAILED

APR 12 2010

OFFICE OF PETITIONS

LEVINE & MANDELBAUM
222 Bloomingdale Road
Suite 203
WHITE PLAINS NY 10605

In re Application:	:	
Chun-Kil Jung	:	
Application No. 12/166,527	:	NOTICE
Filed: July 2, 2008	:	
Attorney Docket No. JISU0300US	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed February 16, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,553	07/02/2008	Masanori Sakata	ASMJP.243AUS	3856

EXAMINER

7590 01/15/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

ART UNIT	PAPER NUMBER
1792	

NOTIFICATION DATE	DELIVERY MODE
01/15/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,561	07/02/2008	John N. Hryckowian	POU920080148US1 (163-255)	3868

49267 7590 11/20/2008
KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 CROSSWAYS PARK NORTH, SUITE 210
WOODBURY, NY 11797

EXAMINER
DO, THUAN V

ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
11/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 CROSSWAYS PARK NORTH, SUITE 210
WOODBURY, NY 11797

In re Application of: John N. Hryckowian et al. Serial No.: 12/166,561 Filed: July 2, 2008 Docket No.: POU920080148US1 Title: WIRING METHODS TO REDUCE METAL VARIATION EFFECTS ON LAUNCH-CAPTURE CLOCK PAIRS IN ORDER TO MINIMIZE CYCLE-TIME OVERLAP VIOLATIONS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on July 2, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

HP/JC

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JAN 29 2009

TECHNOLOGY CENTER 2100

DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS TX 75380

In re Application of: BANERJEE, DWIP et. al.
Serial No.: 12/166,565
Filed: July 02, 2008
Docket: GB920080025US1
Title: CASCADED ADDRESS BOOKS ON MOBILE PHONES WITHIN A SOCIAL NETWORK

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on July 02, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

Regarding the requirement of MPEP § 708.02(a)(I), it is noted that the pre-exam search must be directed to the (instant) claimed invention. Based upon the subject matter of this Petition, for any subsequent amendment a search in the Class and/or subclasses were the application has been classified should be included in order to provide full coverage of where the most pertinent references are most likely to be found, namely, **709/204**. The aforementioned additional classes and/or sub-classes are not meant as an exhaustive list, merely a representative listing of applicable search areas which have not been included in the Petitioner's pre-exam search. It is incumbent on the Petitioner to evaluate all applicable classes and/or sub-classes for pertinent prior art.

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 in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

Kim Huynh, Quality Assurance Specialist
Technology Center 2400,
Network, Multiplexing, Cable and Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,565	07/02/2008	Dwip N. Banerjee	GB920080025US1	3880

78675 7590 01/30/2009
DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

NOTIFICATION DATE	DELIVERY MODE
01/30/2009	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):

ptonotifs@yeeiplaw.com

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IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS TX 75380

COPY MAILED

MAR 2 7 2009

OFFICE OF PETITIONS

In re Application of :
Christopher CHOI et al. :
Application No. 12/166,567 : DECISION ON PETITION
Filed: July 02, 2008 :
Attorney Docket No. **AU920080018US1** :

This is a decision on the petition under 37 CFR 1.137(b), filed February 05, 2009, which, for the reasons stated below, is being treated as a request for a five (5) month extension of time.

The request for a five (5) month extension of time is **GRANTED**.

The record shows that a Notice to File Corrected Application Papers was mailed on July 11, 2008, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before September 11, 2008, or on or before February 11, 2009 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 5 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 $1620 petition fee submitted will be applied towards the purchase of a five month extension of time. The balance of $730 will be charged to the deposit account No. 50-3157 in due course.

Inquiries concerning this decision may be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Office of Patent Application Processing for further action as the nature of the case may require.

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
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WARD AND SMITH, P.A.
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN, NC 28563-0867

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Adrian S. BUTTER, et al.	:	
Application No. 12/166,571	:	DECISION ON PETITION
Filed: July 2, 2008	:	TO WITHDRAW
Attorney Docket No. ROC920080036US1 (IBM 27)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 23, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by E. Eric Mills on behalf of the attorneys of record associated with Customer No. 74342.

The attorneys of record associated with Customer No. 74342 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ADRIAN S. BUTTER
7 MEADOWOOD LANE
BINGHAMTON, NY 13901

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Serge Kriknoff	: DECISION ON REQUEST FOR
Patent Number	: 7594385	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/166,588	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/02/2008	: 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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JUNEAU PARTNERS
333 N FAIRFAX ST.
SUITE 305
ALEXANDRIA, VA 22301

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Berg et al.	:	DECISION ON PETITION
Application No. 12/166,601	:	TO WITHDRAW
Filed: July 2, 2008	:	FROM RECORD
Attorney Docket No. GWU-BergZagTig	:	

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 **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 Todd L. Juneau, on behalf of the practitioners of record associated with Customer Number 50438.

Customer Number 50438 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.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: DR. BERG C/O THE GEO. WASH. UNIV. OFFICE OF GENERAL COUNSEL
2100 PENNSYLVANIA AVE., SUITE 250
WASHINGTON, DC 20052

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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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/166,601	07/02/2008	Patricia Berg	GWU-BrgZagTig

CONFIRMATION NO. 3952

POWER OF ATTORNEY NOTICE

50438
JUNEAU PARTNERS
333 N Fairfax St.
Suite 305
ALEXANDRIA, VA 22301

OC000000041689272

Date Mailed: 05/19/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2010.

- 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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JUNEAU PARTNERS
333 N FAIRFAX ST.
SUITE 305
ALEXANDRIA, VA 22301

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Tigli et al.	:	DECISION ON PETITION
Application No. 12/166,646	:	TO WITHDRAW
Filed: July 2, 2008	:	FROM RECORD
Attorney Docket No. GWU-TigZag-Circ	:	

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 **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 Todd L. Juneau, on behalf of the practitioners of record associated with Customer Number 50438.

Customer Number 50438 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.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: DR TIGLI C/O THE GEO. WASH. UNIV. OFFICE OF GENERAL COUNSEL
2100 PENNSYLVANIA AVE., SUITE 250
WASHINGTON, DC 20052

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/166,646	07/02/2008	Onur Tigli	GWU-TigZag-Circ

CONFIRMATION NO. 4022

POWER OF ATTORNEY NOTICE

OC000000041688859

50438
JUNEAU PARTNERS
333 N Fairfax St.
Suite 305
ALEXANDRIA, VA 22301

Date Mailed: 05/19/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2010.

- 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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HUNTON & WILLIAMS/NEW YORK
INTELLECTUAL PROPERTY DEPT.
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

MAILED

OCT 21 2009

OFFICE OF PETITIONS

In re Application of	:	
John R. Mangiardi, et al.	:	
Application No. 12/166,714	:	DECISION ON PETITION
Filed: July 2, 2008	:	TO WITHDRAW
Attorney Docket No. 68320.000017	:	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 2, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Estelle J. on behalf of all attorneys of record who are associated with customer No. 58785. All attorneys/agents associated with the Customer Number 58785 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 John R. Mangiardi, MD at 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: JOHN R. MANGIARDI, MD
54 DOUBLING ROAD
GREENWICH, CT 06830

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
12/166,714	07/02/2008	John R. Mangiardi	68320.000017

CONFIRMATION NO. 4133

POWER OF ATTORNEY NOTICE

58785
HUNTON & WILLIAMS/NEW YORK
INTELLECTUAL PROPERTY DEPT.
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Date Mailed: 10/02/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/02/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
SUITE 1100
777 – 6TH STREET, NW
WASHINGTON DC 20001

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Venkatesh et al.	:	
Application No. 12/166,757	:	ON PETITION
Filed: July 2, 2008	:	
Attorney Docket No. EURA-002/01US	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 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 statements by the applicant's attorney and the applicant stating that the applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

AKIN GUMP STRAUSS HAUER & FELD, LLP
P O BOX 688
DALLAS TX 75313-0688

In re Application of	:	
YANG, Guang et al.	:	
Application No. 12/166,808	:	DECISION ON PETITION
Filed: July 02, 2008	:	TO WITHDRAW
Attorney Docket No. **686568-0001**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 21, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Sanford Warren, Jr. on behalf of all attorneys of record who are associated with customer No. 20594. All attorneys/agents associated with the Customer Number 20594 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 Guang Yang 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: **GUANG YANG**
29 JINRONG AVENUE
XICHENG DISTRICT
BEIJING 100320

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P.O. Box 1450
Alexandria, VA 22313-1450
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COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

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JUN 16 2009
OFFICE OF PETITIONS

In re Application of	:	
Russell M. Jaffe	:	
Application No. 12/166825	:	
Filing or 371(c) Date: 07/02/2008	:	
Attorney Docket Number:	:	
RMJH-008/00US 306511-2073	:	ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed May 5, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed July 17, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed an oath/declaration and late filing fee on February 17, 2009; however, the oath was improper. No complete and proper reply having been received, the application became abandoned September 18, 2008. A Notice of Abandonment was mailed April 29, 2009.

Applicant files the present petition and oath/declaration (the late filing fee oath/declaration fee was filed on February 17, 2008), in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply in the form of the basic filing fee (filed April 10, 2007), and an oath/declaration; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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HISCOCK & BARCLAY, LLP
2000 HSBC PLAZA
100 Chestnut Street
ROCHESTER, NY 14604-2404

Mail Date: 04/21/2010

Applicant	: BERND HAGMANN	: DECISION ON REQUEST FOR
Patent Number	: 7585193	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/166,827	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/02/2008	: 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,855	07/02/2008	Bryan A. Ackermann	AUS920080448US1 1963-8025	4373

79395 7590 07/31/2008
MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

ART UNIT	PAPER NUMBER
3628	

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.

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FROM DIRECTORS OFFICE

JUL 3 1 2008

TECHNOLOGY CENTER 3600

MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

In re application of	:	**DECISION ON PETITION**
Ackermann et al.	:	**TO MAKE SPECIAL FOR**
Application No. 12/166,855	:	**NEW APPLICATION**
Filed: July 2, 2008	:	**UNDER 37 CFR 1.102**

For: SYSTEM AND METHOD FOR INTELLIGENTLY REROUTING STRANDED TRAVELERS

This is a decision on the petition filed on July 2, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours. .

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37.CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where

each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.1 and II.6.5.

Regarding Condition II.5.1, it is required that Applicant's search involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement. Applicant did not search most of the database files required by the search template. Applicant is reminded that search templates, specific to each class/subclass, may be found at http://www.uspto.gov/web/patents/searchtemplates/. For example, the instant application is best classified in 705/5. Looking toward the available search templates and recommended areas of search for class 705/5 (see http://www.uspto.gov/web/patents/searchtemplates/class705-005.htm) some of the more relevant search areas would include a text search in the listed Non-Patent Literature database files. A comprehensive list of recommended database files is found on the 705/5 search template web page as well. Especially relevant to the claimed subject matter are database files such as:

ABI/INFORM
Business & IndustryTM (B&I)
Business Wire
Dialog Global Reporter
EBSCOhost Research Databases
Examiner's Electronic Digest Database
Gale Group Computer DatabaseTM
Gale Group GlobalbaseTM
Gale Group New Product Announcements/Plus (NPA/Plus)
Gale Group Newsletter DatabaseTM
Gale Group PROMT
Gale Group Trade & Industry DatabaseTM
Inside Conferences
Inspec (The Database for Physics, Electronics and Computing)
JSTOR Journals
McGraw-Hill Companies Publications Online
ProQuest Direct
TecInfoSource (formerly SoftBase: Reviews, Companies, and Products)
Wall Street Journal Abstracts

As per Condition II.6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification is required. Applicant only provided a showing of support for the claim in general, but did not provide a showing of support for each limitation of

the claim. For example, Applicant indicates that Figures 1-2 and pages 4-6 of the specification "correspond to the claim," but it is not clear which Figures or pages in the specification are supposed to correspond to which claim limitation.

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt at (571) 272-6633, or C. Michelle Tarae at (571) 272-6727, both Business Practice Specialists.

C. Michelle Tarae

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

RW/CMT/7/29/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/166,855	07/02/2008	Bryan A. Ackermann	AUS920080448US1 1963-8025	4373

79395 7590 09/11/2008
MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER
SALIARD, SHANNON S

ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
09/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 11 2008

TECHNOLOGY CENTER 3600

MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

In re application of
Ackermann et al.
Application No. 12/166,855
Filed: July 2, 2008
For: SYSTEM AND METHOD FOR INTELLIGENTLY REROUTING STRANDED TRAVELERS

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the renewed petition filed on August 20, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on July 2, 2008. That petition was dismissed in a decision mailed July 31, 2008 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reasons for the dismissal included a finding of an inadequate Search Document and an inadequate Support Document.

With the updated Support Document filed August 20, 2008, applicant has successfully remedied the issues raised in the dismissal with respect to the originally filed Support Document. However, with respect to the issues raised regarding the originally filed Search Document, these issues have not been sufficiently addressed by the updated Search Document filed August 20, 2008.

Specifically, the dismissal indicated that the search involve non-patent literature according to the search template of the area that the application is classified in unless applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and include such justification with this statement. The dismissal further provided a link to the specific search template associated with the classification of the application, where the specific search template lists several files required for the template search. The dismissal further provided a list of several of the files indicated in the search template. To name a few, some of the files include the following:

ABI/INFORM
Business & IndustryTM (B&I)
Business Wire
Dialog Global Reporter
EBSCOhost Research Databases
Gale Group Computer DatabaseTM
Gale Group GlobalbaseTM
Gale Group New Product Announcements/Plus (NPA/Plus)
Gale Group Newsletter DatabaseTM
Gale Group PROMT
Gale Group Trade & Industry DatabaseTM
Inside Conferences
Inspec (The Database for Physics, Electronics and Computing)
JSTOR Journals
McGraw-Hill Companies Publications Online
ProQuest Direct
TecInfoSource (formerly SoftBase: Reviews, Companies, and Products)
Wall Street Journal Abstracts

It is noted that the nature of business methods applications requires a thorough search in non-patent literature pertinent to the features of the invention. The Dialog files listed in the search templates have been grouped according to their business and technology-related content and identified as having subject matter relevant and pertinent to their associated USPTO classification. As such, a search of the databases identified in the template associated with the classification of the invention is considered an important search.

Since applicant only added Wall Street Journal Abstracts, New York Times and dictionary.com to the initial non-patent literature search deemed insufficient in the dismissal, and since several files indicated by the USPTO as pertinent and relevant still have not been searched, nor have alternative files of an equivalent character and coverage been searched, Condition II.5.1 has not been satisfied.

Furthermore, the updated Search Document does not include a statement justifying with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources.

For the above stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a only single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Robert Weinhardt at (571) 272-6633 or C. Michelle Tarae at (571) 272-6727, both Business Practice Specialists.

C. Michelle Tarae

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

CMT/9/10/08

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TECHNOLOGY CENTER 2600

IBM CORPORATION (SWP)
C/O SUITER SWANTZ PC LLO
14301 FNB PARKWAY, SUITE 220
OMAHA, NE 68154-5299

In re Application of:
JASON J. JARAMILLO et al
Serial No.: 12/166869
Filed: July, 2nd 2008
Attorney Docket number: AUS920080382US1
Title: **CONFIGURABLE E-MAIL REGIONS THAT ALLOW RECIPIENT READ PERMISSIONS**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on July 2nd, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II, items 5.2 and 5.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following class/subclasses: 726/27-30

If any request for reconsideration is filed, an updated preexamination search must be conducted as per item 5.1 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

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

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TECHNOLOGY CENTER 2600

IBM CORPORATION (ACCSP)
C/O SUITER SWANTZ PC LLO
14301 FNB PARKWAY, SUITE 220
OMAHA NE 68154

In re Application of:
JASON J. JARAMILLO et al.
Serial No.: 12/166869
Filed: July 2nd 2008
Attorney Docket No.: **AUS920080382US1**
Title: **CONFIGURABLE E-MAIL REGIONS THAT ALLOW RECIPIENT READ PERMISSIONS**

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 9th 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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AKIN GUMP STRAUSS HAUER
& FELD, LLP
P.O. BOX 688
DALLAS, TX 75313-0688

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Guang YANG, et al	:	
Application No. 12/166,881	:	DECISION ON PETITION
Filed: July 2, 2008	:	TO WITHDRAW
Attorney Docket No. 686568-0002	:	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 21, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Sanford W. Warren, Jr. on behalf of the attorneys of record associated with Customer No. 20594.

The attorneys of record associated with Customer No. 20594 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the 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: GUANG YANG
29 JINRONG AVENUE
BEIJING 100320
CN

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CHICAGO IL 60603-3406

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JUN 03 2010

OFFICE OF PETITIONS

In re Application of Robert J. Ligon, et al. Application No. 12/166,888 Filed: July 2, 2008 Attorney Docket No. 8778/92850	: : : : :	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 April 20, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

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Peter G. Carroll
MEDLEN & CARROLL, LLP
Suite 350
101 Howard Street
San Francisco, CA 94105

Mail Date: 04/21/2010

Applicant	: Mario Chojkier	: DECISION ON REQUEST FOR
Patent Number	: 7655472	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/166,907	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/02/2008	: 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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OFFICE OF PETITIONS

Foley & Lardner, LLP
975 Page Mill Road
Palo Alto, CA 94304

In re Application of	:	
Yonghong Song et al.	:	
Application No. 12/166,944	:	DECISION ON PETITION
Filed: July 2, 2008	:	TO WITHDRAW
Attorney Docket No. 070545-1270	:	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 July 14, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Antoinette F. Konski: (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. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The address of record will remain the same until further notified by the applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

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In re Application of	:	
MAY, Marvin M.	:	
Application No. 12/166,946	:	DECISION ON PETITION
Filed: July 02, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **6829P001C**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 13, 2009, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement attesting that Marvin M. May 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 3654 for action on the merits commensurate with this decision.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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FOX ROTHSCHILD LLP
New York
997 Lenox Drive, Bldg. #3
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In re Application of	:	
Irit Scheflan	:	
Application No. 12/167,027	:	DECISION ON PETITION
Filed: July 2, 2008	:	TO WITHDRAW
Attorney Docket No. 74224.00001	:	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 20, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Moor Michael Lewis and attorneys/agents associated with customer number 61698: (1) do not have power of attorney in this patent application; and (2) have been employed or otherwise engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will be directed to the address below.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Irit Scheflan
703 Beechwood Drive
Washington Township, NJ 07676

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In re Application of	:	
DESAI, Shitalkumar V. et al.	:	
Application No. 12/167,030	:	DECISION ON PETITION
Filed: July 02, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **391.01NP**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 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 copy of the inventor's state issued identification card as evidence that Vipinchandra M. Desai 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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SAN FRANCISCO CA 94105

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OFFICE OF PETITIONS

In re Application of	:	
Jeffrey W. Lutze, et al.	:	
Application No. 12/167,128	:	DECISION GRANTING PETITION
Filed: July 2, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SAND-01334US0	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, April 7, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 5, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2827 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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PATENTRY
P.O. BOX 151616
SAN RAFAEL CA 94915-1616

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SEP 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Drako et al.	:	
Application No. 12/167,134	:	ON PETITION
Filed: July 2, 2008	:	
Attorney Docket No. Z-PTNTR200809	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 31, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a properly signed oath/declaration (previously submitted on January 12, 2009), (2) the petition fee, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $2,350.00 extension of time fee submitted on July 29, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2454 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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George Bardmesser
Bardmesser Law Group, P.C.
1025 Connecticut Ave, N.W.
Suite 1000
Washington DC 20006

MAILED

OCT 15 2008

TECHNOLOGY CENTER 2100

In re Application of:
Zaitsev et al.
Serial No.: 12/167,138
Filed: July 2, 2008
Docket: 2402.0250000
For: **System and Method for Security Rating of Processes**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on July 2, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I 1-4, II 1-4 and II 5.1, 5.3, II 6.1 - 6.2 and II 6.4 - 6.6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2 and II 6.3above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5.2 above, the preexamination search does not encompass all of the features of the claims, and does not appear to have given the claims the broadest reasonable interpretation.

Specifically, the text search strategy should be modified to include reasonable number of synonyms. Here is an example search strategy that would complete this requirement.

> 1) (risk virus malware malicious trojan spyware suspicious) with (scor$3 assess$4 threshold) with (file application program executable)
>
> 2) (risk virus malware malicious trojan spyware suspicious) with (scor$3 assess$4 threshold) with (file application program executable) same (monitor$3 poll$3 test$3) with (file application program executable)
>
> 3) (risk virus malware malicious trojan spyware suspicious) with (scor$3 assess$4 threshold) with (file application program executable) same (monitor$3 poll$3 test$3) with (file application program executable) with (running execut$3)

Or is the default operator. Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarifications if deemed necessary.

Finally, based upon the claimed subject matter of the instant application, a search in the following class and subclasses is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: Class 713 **ELECTRICAL COMPUTERS AND DIGITAL PROCESSING SYSTEMS: SUPPORT Subclass** 188 (Virus Detection by Cryptography) and Class **726 Information Security** Subclass 24 (Virus Detection of Software or Data) for subject matter related to risk assessment. It is noted that page 1 of the pre-examination search document states that class 713/118 was searched as this subclass doesn't exist it is

likely a typo and subclass 188 was searched so this particular subclass won't be an additional search needed. This additional search area was confirmed with an examiner in the pertinent art area.

With regard to the requirement of MPEP § 708.02(a)(I)(2-3) and item 6.3 above, Petitioners statement of how certain features are not taught by each individual reference, alone is proper however the statement that the claims are seen to patentably distinguish over the references in combination is improper as it deemed to be a general statement and fails to be specific. This statement doesn't explain how these features distinguish from the combination of references by discussing what similarly is taught and how this difference is not obvious to comply with rule 37 CFR 1.111. Additionally, this statement doesn't address whether any of the features not taught by the references one could take official notice of and thus be obvious.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of contact is QAS Kim Huynh whose number is (571)-272-4147.

/Tod R Swann/

Tod R Swann
Quality Assurance Specialist
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/167,138	07/02/2008	Oleg V. Zaitsev	2402.0250000	4928

54089 7590 10/16/2008
BARDMESSER LAW GROUP, P.C.
1025 CONNECTICUT AVENUE, N.W.
SUITE 1000
WASHINGTON, DC 20006

EXAMINER
ZAND, KAMBIZ

ART UNIT	PAPER NUMBER
2434	

MAIL DATE	DELIVERY MODE
10/16/2008	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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/167,138	07/02/2008	Oleg V. Zaitsev	2402.0250000	4928

54089 7590 01/29/2009
BARDMESSER LAW GROUP, P.C.
1025 CONNECTICUT AVENUE, N.W.
SUITE 1000
WASHINGTON, DC 20006

EXAMINER
CERVETTI, DAVID GARCIA

ART UNIT	PAPER NUMBER
2436	

MAIL DATE	DELIVERY MODE
01/29/2009	PAPER

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JAN 29 2009

TECHNOLOGY CENTER 2100

George S. Bardmesser
Bardmesser law group
1025 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20006

In re Application of:
Zaitsev et al.
Serial No.: 12/167,138
Filed: July 2, 2008
Docket: 2402.0250000
Title: **System and Method for Security Rating of Processes**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on November 14, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on July 2, 2008 was dismissed in the decision mailed on October 15, 2008.

The petition to make the application special is GRANTED as the new Support Document and the Pre-Examination Search Document meet the requirements of conditions II 5.2 and II 6.3.

The support document now provides a proper discussion of the each of the references cited as to how they pertain to all of the claims including what features are taught and where they are taught. The new Examination Search Document fulfills the search requirements and is now proper.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323) as the original identified deficiencies for failing to comply with the requirements for the pre-examination search encompassing all of the features of the claims, and giving the claims the broadest reasonable interpretation, the statement of patentability must provide a detailed explanation of how each of the claims are patentable and the concise statement of the utility must be of the invention as defined in each of the independent claims (reference must be made to independent claims 1 and 20) have been corrected.

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612.

Tod R Swann
Quality Assurance Specialist
Technology Center 2400
Computer Security, Architecture and Software
571-272-3612

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OFFICE OF PETITIONS

YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of
Christopher Szeto, et al.
Application No. 12/167,147
Filed: July 2, 2008
Attorney Docket No. 324212009104

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 22, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Yahoo C/O MOFO Palo Alto has been revoked by the assignee of the patent application on April 21, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: YAHOO! INC
701 FIRST AVENUE
SUNNYVALE, CA 94089

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Allen, Dyer, Doppelt, Milbrath & Gilchrist - RIM
255 S. Orange Avenue
Suite 1401
Orlando, FL 32801

Mail Date: 04/20/2010

Applicant	: Yihong Qi	: DECISION ON REQUEST FOR
Patent Number	: 7612726	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/167,170	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/02/2008	: 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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OFFICE OF PETITIONS

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Application of	:	
NEBAT, Yoav et al.	:	
Application No. 12/167,186	:	DECISION ON PETITION
Filed: July 02, 2008	:	TO WITHDRAW
Attorney Docket No. **37143-506001US**	:	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 21, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Pedro F. Suarez on behalf of all attorneys of record who are associated with customer No. 64046. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **YOAV NEBAT**
12670 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130

cc: **WI-LAN, INC.**
11 HOLLAND AVENUE, SUITE 608
OTTAWA, ONTARIO K1Y 4S1
CANADA

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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

Mail Date: 04/21/2010

Applicant	: Woodson Wayne Samuel	: DECISION ON REQUEST FOR
Patent Number	: 7597388	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/167,192	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/02/2008	: 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/167,198	07/02/2008	Alelie Funcell	025902-000520US	5043

20350 7590 09/02/2008
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

ART UNIT	PAPER NUMBER
1753	

MAIL DATE	DELIVERY MODE
09/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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CST

9/2/08

In re application of
Alelie Funcell
Serial No. 12/167,198
Filed: July 2, 2008
For: METHOD AND SYSTEM FOR ASSEMBLING A SOLAR CELL USING A PLURALITY OF PHOTOVOLTAIC REGIONS

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on July 2, 2008 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **DISMISSED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition, section II, subsections 1-4, are considered to have been met. However, the petition fails to comply with condition II, subsections 5 and 6.

First, it appears that the search is incomplete. Note that a search in Class 136, subclasses 246, 251 and 259 is also required. A search involving the terms "photovoltaic" and "photoelectric" would also be helpful; note that in the IEEE Xplore search, these terms have not been used.

Next, applicant has provided two Information Disclosure Statements, however in the Accelerated Examination Support Document (AESD), applicant has discussed only the references cited on the IDS of July 2, 2008. None of the references cited on the IDS of July 30, 2008 (there are 7 pages) are discussed. Note that there is a presumption that each of the cited references is considered most relevant to the claimed invention and that an identification of where all of the limitations in the claims that are disclosed in the references is required.

Applicant is encouraged to review the Frequently Asked Questions concerning the Accelerated Examination Program posted on www.uspto.gov. Specifically, note the question and answer reproduced below:

IDS 3. Will the Office accept an accelerated examination support document (AESD) that contains a list of references in the information disclosure statement (IDS) of the AESD, but does not include any identification and explanation for those references that are not required to be submitted in the IDS of the AESD (*i.e.*, references that are not most closely related to the subject matter of each of the claims)?

No, the AESD will be deemed insufficient for lack of identification and explanation. The applicant will be notified of the defects and the application will remain in the status of a new application awaiting action in its regular turn. The applicant will be given a time period of one month, without any extension of time under 37 CFR §1.136(a), to perfect the petition.

If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD.

Also, petitioner has not provided a detailed explanation of how the claims are patentable over each of the references cited. On pages 17 - 29 of the AESD, petitioner has focused on the Bauer and Koyanagi references, while the remaining cited prior art has not been discussed, specifically with particularity.

The statement showing support for the present claims on pages 33-38 of the AESD is not sufficient. It is required that petitioner provide a showing of where each limitation of each of the claims finds support under 35 USC 112, first paragraph, in the written description of the parent application 11/402,490 and provisional application 60/716,411 as applicant has claimed priority to each of these applications.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is dismissed. The application will therefore be taken up by the examiner in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/ Christine Tierney /

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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.
12/167,198	07/02/2008	Alelie Funcell	025902-000520US	5043

20350 7590 11/18/2008
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
BARTON, JEFFREY THOMAS

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
11/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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CST

11-18-08

In re application of
Alelie Funcell
Serial No. 12/167,198
Filed: July 2, 2008
For: METHOD AND SYSTEM FOR ASSEMBLING A SOLAR CELL USING A PLURALITY OF PHOTOVOLTAIC REGIONS

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the Request for Reconsideration of Petition to Make Special under the Accelerated Examination Program filed on October 2, 2008 to make the above-identified application special.

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 eview 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 Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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LAW OFFICES OF MIKIO ISHIMARU
333 W. EL CAMINO REAL
SUITE 330
SUNNYVALE CA 94087

COPY MAILED

OCT 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard Jingwen Yang	:	
Application No. 12/167,206	:	NOTICE
Filed: July 2, 2008	:	
Attorney Docket No. 59-015	:	

This is a notice regarding your request filed October 1, 2008, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/167,227	07/02/2008	Laura Martinson	CYTHERA.55CP1C2	5090

20995 7590 08/15/2008
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
SAJJADI, FEREYDOUN GHOTB

ART UNIT	PAPER NUMBER
1633	

NOTIFICATION DATE	DELIVERY MODE
08/15/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

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AUG 1 5 2008

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

In re Application of	:
MARTINSON ET AL	: DECISION ON PETITION TO MAKE
Serial No.: 12/167,227	: SPECIAL FOR NEW APPLICATION
Filed: JULY 2, 2008	: UNDER 37 C.F.R. § 1.102 & M.P.E.P.
Attorney Docket No.: CYTHERA.55CP1C2	: § 708.02

This is a decision on the petition filed on JULY 2, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in an agreement that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a Final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the Final Office action, applicant must: 1) promptly file a Notice of Appeal, an Appeal Brief and Appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after Final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a Final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Dave T Nguyen, Technology Center Quality Assurance Specialist, at (571) 272-0731.

Dave Nguyen
TQAS TC 1600

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AUG 24 2009

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TECHNOLOGY CENTER 2600

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of	:	
SUH, JONG YEUL et al	:	DECISION ON REQUEST TO
Application No. 12/167,241	:	PARTICIPATE IN PATENT
Filed: July 02, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 2080-3632	:	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 02, 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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P.O. Box 1450
Alexandria, VA 22313-1450
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Cahn & Samuels, LLP
1100 17th St., NW, Ste. 401
Washington DC 20036

NOV 18 2008

In re Application of: FREDERICKSEN, ROSS THOMAS et al. Application No.: 12/167289 Filed: July 03, 2008 Title: METHOD OF USING BONDING PAD AS A GASKET FOR ELECTRONIC SUBASSEMBLIES	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on July 3, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

Since Petitioner has already received a first Office action on the merits, the petition to make the application special is GRANTED, subject to the terms and conditions of the Accelerated Examination program.

The application is on accelerated examination track and subject to the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

Ehud Gartenberg

Ehud Gartenberg, Special Programs Examiner
Technology Center 3700

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

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NOV 10 2008

In re Application of	:	
BABINGTON, Robert S.	:	
Application No. 12/167,330	:	DECISION ON PETITION
Filed: July 03, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **20453-00035-US**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 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 statement by Robert S. Babington 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 3749 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

In re Application of :
BABINGTON, Robert S. :
Application No. 12/167,338 : DECISION ON PETITION
Filed: July 03, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **20453-00037-US** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 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 statement by Robert Babington's, 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 3742 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
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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Michio KADOTA	: DECISION ON REQUEST FOR
Patent Number	: 7629866	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/167,344	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/03/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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Glast, Phillips & Murray, P.C.
13355 Noel Road
Suite 2200
Dallas, TX 75240

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Greg Boyles	:	
Application No. 12/167,405	:	DECISION ON PETITION
Filed: July 3, 2008	:	TO WITHDRAW
Attorney Docket No. 04856.20	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 29, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 A. Thomas on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Direct Driveheads, Inc.**
P.O. Box 840844
Houston, TX 77284-0844

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/167,405	07/03/2008	Greg Boyles	04856.20

CONFIRMATION NO. 5414

POWER OF ATTORNEY NOTICE

OC000000035230517

70896
Glast, Phillips & Murray, P.C
13355 Noel Road
Suite 2200
Dallas, TX 75240

Date Mailed: 03/30/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/29/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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JUL 16 2009

OFFICE OF PETITIONS

MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS TN 38132

In re Application of	:	
Jeffrey R. Justis, et al.	:	
Application No. 12/167,457	:	ON PETITION
Filed: July 3, 2008	:	
Attorney Docket No. P0028082.00	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 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, mailed July 18, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 19, 2008. The Notice of Abandonment was mailed March 23, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

The application file is being referred to the Office of Patent Application Processing for further processing.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT LAW PROFESSIONALS
P.O. BOX 612407
SAN JOSE, CA 95161

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JUN 23 2009

OFFICE OF PETITIONS

In re Application of
Earl W. McCune Jr., et al
Application No. 12/167,478
Filed: July 3, 2008
Attorney Docket No. 56398-2800

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 20, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Patent Law Professionals (customer no. 63409), has been revoked by the assignee of the patent application on March 24, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3208.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

SNELL & WILMER L.L.P. Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

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MARK W. SINCELL
WILLIAMS, MORGAN & AMERSON, P.C.
SUITE 1100
10333 RICHMOND
HOUSTON TX 77042

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OFFICE OF PETITIONS

In re Application of	:
Aly, Kong, and Soljanin	: DECISION REFUSING STATUS
Application Number: 12/167510	: UNDER 37 CFR 1.47(a)
Filing Date: 07/03/2008	:
Attorney Docket Number:	:
2100.042200	:

This is in response to the petition under 37 CFR 1.47(a) filed on December 15, 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 July 3, 2008, without an executed declaration. Accordingly, on August 13, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration, the statutory basic filing fee, application search fee, application examination fee, and a surcharge for their late filing. Additional claim fee(s) and replacement drawings in compliance with 37 CFR 1.84 and 1.121(d) were also required.

In response, November 12, 2008, the statutory basic filing fee, search fee, examination fee, late filing fee, excess claim fee, and replacement drawings were filed. Accordingly, on November 20, 2008, a Notice of Incomplete Reply (Nonprovisional) was mailed stating that the oath or declaration was unsigned, and that the period for reply remains as set forth in the Notice to

File Missing Parts of Nonprovisional Application mailed on August 13, 2008.

In response, on December 15, 2008, petitioners filed the subject petition accompanied by a petition and fee for a two (2)-month extension of time. A declaration naming Salah A. Aly, Zhenning Kong, and Emina Soljanin as the joint inventors was also filed, signed by joint inventors Kong and Soljanin on behalf of themselves and non-signing joint inventor Aly.

Petitioners state that the non-signing inventor could not be reached by Applicant or its counsel after diligent effort, via the affidavit of counsel's employee, Kathryn Danas, that a copy of the application was sent to the non-signing inventor's last known address on two occasions. No reply was received to the first mailing, but the second mailing was returned to counsel, apparently as undeliverable.

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 inventor.

The petition lacks items (1) and (2).

In regards to item (1) petitioners have not shown that despite diligent efforts, the non-signing inventor could not be reached.

In this regard, a brief Internet search suggests that the non-signing inventor now resides in Ames, IA 50010-8838.

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.

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.

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 the inventor 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 the inventor by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that the inventor cannot be found despite diligent efforts.

In regards to item (2), an oath or declaration in compliance with 37 CFR 1.63 must be supplied. The declaration must include the name, citizenship, residence, and mailing address of the non-signing inventor.

The oath or declaration submitted does not comply with 37 CFR 1.63 in that it does not contain the citizenship of the non-signing inventor.[1] A statement of the inventor's citizenship is a statutory requirement and cannot be waived.

---

[1] MPEP 605.01.

Petitioners are reminded that any oath or declaration filed with a renewed petition must identify both the application number and filing date of the application.[2]

The petition fee of $200.00 will be charged to counsel's deposit account, as authorized in the Response to Notice to File Missing Parts of Non-Provisional Application Dated August 13, 2008, filed with the subject 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
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The petition fee of $200.00 will be charged to counsel's deposit account, as authorized in the response to notice to file missing parts filed with the present petition.

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

[2] 35 U.S.C. § 115, MPEP 605.01.

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of
Leslie Bromberg et al.
Application No. 12/167,534
Filed: July 3, 2008
Attorney Docket No. **758P012**

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 October 9, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22862 has been revoked by the assignee of the patent application on October 9, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Nields, Lemack & Frame, LLC
176 E. Main Street
Suite #5
Westborough MA 01581

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

MAILED
JUN 28 2010
OFFICE OF PETITIONS

Applicant: Santos
Appl. No.: 12/167,551
Filing Date: July 3, 2008
Title: CHEMICAL PROCESS FOR RECOVERY OF METALS CONTAINED IN INDUSTRIAL STEELWORKS WASTE
Attorney Docket No.: 100442-5001
Pub. No.: US 2009/0272229 A1
Pub. Date: November 5, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on December 3, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the publication contains an error because the publication includes drawing but the application as filed does not have any drawings.

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 improperly included drawings may be an Office but the error is not a material Office mistake under 37 CFE 1.221(b). The error in including extra drawings 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.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily

[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).

increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers, Marked up Relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

The amendment received by the Office on November 19, 2008, from another practitioner that included the above identified application number and which were scanned into this application and published have been removed.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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.
12/167,611	07/03/2008	Marcia Silva Lacerda Miranda	80750-1090	5824

24504 7590 05/14/2009
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

EXAMINER

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
05/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES 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: 5/14/09

DWW

In re Application of Miranda et al.
Serial No.: 12/167,611
Filed: July 3, 2008

DECISION ON PETITION UNDER *37 CFR 1.48(a)*

Title: PROCESS OF PREPARATION OF CATALYTIC SUPPORT AND SUPPORTED BIMETALIC CATALYSTS FOR PRODUCTION OF HOMOPOLYMERS AND COPOLYMERS OF ETHYLENE WITH ALFA -OLEFINS, OF HIGH AND ULTRA HIGH MOLECULAR WEIGHT AND WITH BROAD MOLECULAR WEIGHT DISTRIBUTION IN SLURRY, BULK AND GAS PHASE PROCESSES AND PRODUCTS THEREOF

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed July 31, 2008 to correct inventorship under 37 CFR 1.48(a) by adding the name of Fernanda Olivira Vieira Da Cunha to the list of inventors of the instant application.

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.48(a) by (1) submitting a request to correct the inventorship that sets forth the desired inventorship change; (2) providing a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) providing a declaration of the actual inventors as required by 37 C.F.R. § 1.63; and (4) providing the processing fee set forth in 1.17(i). It is also noted that since no assignment has been executed by the originally named inventors, written assent of assignee is not needed.

The request is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

/David Wu/

David Wu
Supervisory Patent Examiner
Art Unit 1796
Technology Center 1700

THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.
600 Galleria parkway, Suite 1500
Atlanta, Gerogia 30339-5994

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.
12/167,629	07/03/2008	Hiroyuki GOTO	327858US3XDIV	5852

EXAMINER

7590 10/15/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
10/15/2009	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
10/14/2009 0038075554

Credit Card Refund Total: $510.00

Ac Exp..: XXXXXXXXXXX1806

Adjustment date: 10/14/2009 NFARMER
07/07/2008 INTEFSW 00000427 12167629
02 FC:1111 -510.00 CP

FORM PET651G (Rev. 08/07)

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185 Asylum Street
Hartford, CT 06103

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APR 02 2009

OFFICE OF PETITIONS

In re Application of	:	
Wolfgang Beyer et al.	:	
Application No. 12/167,638	:	DECISION ON
Filed: July 3, 2008	:	PETITION TO WITHDRAW
Attorney Docket No. 97353.00141	:	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, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Eric E. Grondahl: (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. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Bolesh J. Skutnik
Ceramoptec Industries, Inc.
515 Shaker Road
East Longmeadow, MA 01028

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/167,670	07/03/2008	Dominick A. Pagano	DAP01.009	5929

63973 7590 07/25/2008
KEITH D. NOWAK
CARTER LEDYARD & MILBURN LLP
2 WALL STREET
NEW YORK, NY 10005

EXAMINER	
ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
07/25/2008	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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KEITH D. NOWAK
CARTER LEDYARD & MILBURN LLP
2 WALL STREET
NEW YORK, NY 10005

In re Application of: Dominick A. Pagano Serial No.: 12/167,670 Filed: July 3, 2008 Attorney Docket No.: DAP01.009 Title: METHOD AND APPARATUS FOR DETECTING INTERNAL RAIL DEFECTS	: : : : : :	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on July 3, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02(a).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The pre-examination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.4; conditions II.6.1, II.6.4 and II.6.6 above. However, the petition does not meet conditions II.5, II.6.2, II.6.3 and II.6.5 above.

Regarding the conditions set forth in II.5 above, the search logic used in the Patent Text Search of USPTO - EAST conducted on March 22, 2008 is not directed to the claimed invention and does not encompass all of the features of the claims, giving the claims the broadest reasonable interpretation, as set forth in II.5.2. The search logic is restricted to the single query of "((perpendicular near3 top) near3 surface) near3 rail" and bears little relevance to "a system for performing ultrasonic inspection of a rail." Terms such as "ultrasonic" and "inspection" should have been included along with the term "rail," and additional terms, such as "transducer," "wheel" and "tilt" should have been used in order to encompass features of the claimed invention. Any renewed petition should include a Patent Text Search incorporating such terms.

It is noted in regard to Part 8(D), Search Report from a Foreign Patent Office, that no search report from a foreign patent office was provided as part of the pre-examination search report.

Regarding the conditions set forth in II.6 above, the support document supplied by petitioner does not satisfy the requirements set forth in subsections 6.2 and 6.3. The support document is required to discuss ***each reference*** cited on the IDS. The support document, however, fails to discuss the Pagano reference (U.S. Pat. No. 4,174,636) cited on the IDS. In addition, the support document is required to include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 C.F.R. §1.111(b) and (c). The mere assertion that "All references identified above fail to at least teach or suggest the use of an ultrasonic rail inspection system designed to detect defects in a rail which result from longitudinal cracks that propagate in the horizontal plane of the rail" does not provide the particularity required by 37 C.F.R. §1.111(b) and (c). What exactly do the references fail to teach or suggest? Is it the use of an ultrasonic rail inspection system to detect defects in a rail? Or is it the use of an ultrasonic rail inspection system to detect a particular type of defect in a rail? While petitioner adds that "Detection of this type of defect is only possible by directing an ultrasonic beam into the rail at a predetermined angle from the perpendicular to the surface of the rail, with the predetermined angle in the range of approximately 8° to 14°," the claims are not limited to directing an ultrasonic beam at a predetermined angle in the range of 8° to 14°. Furthermore, at least one reference (Pagano, U.S. Pat. No. 4,165,648) shows an ultrasonic beam directed into a rail at a predetermined angle from the perpendicular to the surface of the rail. There is no detailed explanation as to how or why such an ultrasonic inspection system does not detect "normally undetectable cracks." A proper detailed explanation with the particularity required by 37 C.F.R. §1.111(b) and (c) must include a statement as to why the systems disclosed in the cited references would not have been able to detect defects in the rail which result from longitudinal cracks that propagate in the horizontal and transverse plane of the rail.

Regarding the condition set forth in II.6.5 above, the examination support document supplied by the petitioner does not specifically show where ***each limitation*** (italics added) of the claims finds support under 35 USC 112, first paragraph in the written description of the specification. The support document simply states support in the disclosure under 35 USC 112, first paragraph, is found at least in paragraphs 0026-0034 and Figs. 6-10. It does not specifically mention any claim limitation and specifically show where support for each claim limitation can be found.

Accordingly, the petition does not meet conditions II.5, II.6.2, II.6.3 and II.6.5 for the reasons cited above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a) is available) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Henry H Phan

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

HP/jc

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/167,670	07/03/2008	Dominick A. Pagano	DAP01.009	5929

63973 7590 11/10/2008
KEITH D. NOWAK
CARTER LEDYARD & MILBURN LLP
2 WALL STREET
NEW YORK, NY 10005

EXAMINER

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
11/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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KEITH D. NOWAK
CARTER LEDYARD & MILBURN LLP
2 WALL STREET
NEW YORK, NY 10005

In re Application of: Dominick A. Pagano Serial No.: 12/167,670 Filed: July 3, 2008 Attorney Docket No.: DAP01.009 Title: METHOD AND APPARATUS FOR DETECTING INTERNAL RAIL DEFECTS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on August 25, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The renewed petition to make the application special is **DENIED**.

A petition to make special was filed in the above-identified application under 37 C.F.R. § 1.102(d) on July 3, 2008. The petition was dismissed in a decision dated July 25, 2008 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration. The renewed petition was timely filed on August 25, 2008.

The reasons for dismissal were: 1) an inadequate search (condition II.5); 2) a failure to identify all the limitations in the claims that are disclosed by the references (condition II.6.2); 3) a failure to provide a detailed explanation of how the claims are patentable over the references cited with the particularity required by 37 C.F.R. §1.111(b) and (c) (condition II.6.3); and 4) a failure to show where each claim limitation finds support under 35 USC 112, first paragraph, in the written description of the specification (condition II.6.5).

Upon further review of the application papers, it is noted that a Notice To File Corrected Application Papers was mailed on July 11, 2008, to require replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). The lack of drawings in compliance with 37 CFR 1.84 is evidence that the application was not complete and in condition for examination at the time of filing. See M.P.E.P. § 708.02(a)(VIII)(C)(6). To be eligible for accelerated examination under 37 C.F.R. § 1.102(d), the application, at the time of filing, must be complete under 37 C.F.R. § 1.51 and in condition for examination. Consequently, the application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 C.F.R. § 1.51 and in condition for examination at the time of filing.

Furthermore, although an improvement over the previous accelerated examination support document filed on July 3, 2008, the revised support document filed on August 25, 2008 fails to correct the deficiencies of the previous accelerated examination support document. While the search is now adequate and the deficiencies relating to conditions II.6.2 and II.6.5 have been adequately addressed in the new support document filed on August 25, 2008, the revised support document fails to adequately correct the deficiencies of the previous examination support document relating to condition II.6.3.

As mentioned in the petition decision mailed on July 25, 2008, item 6.3 of the Conditions Regarding the Petition requires that the accelerated examination support document include a detailed explanation of how each of the claims is patentable over the references cited with the particularity required by 37 C.F.R. §1.111(b) and (c). The revised support document submitted on August 25, 2008 provides a general statement that the cited references fail to provide for "a sensing wheel that can be tilted from the vertical so that an ultrasound beam can be delivered to the curved point of the rail whereby the beam is perpendicular to a crack in the rail that is parallel to the curved surface at the edge of the rail." The support document, however, does not refer to any specific claim. Furthermore, none of the claims recite the limitation that "the ultrasound beam can be delivered to the curved point of the rail." Moreover, while claim 1 recites the limitation of "each sensing wheel being tiltable from a vertical plane extending perpendicular to the rail," neither independent claim 3 nor independent claim 5 recite the limitation of "a sensing wheel that can be tilted from the vertical." Accordingly, the explanation as to how the claims are patentable over the references is more specific than the invention broadly claimed. Consequently, the support document fails to include a detailed explanation of how each of the claims is patentable over the references cited with the particularity required by 37 C.F.R. §1.111(b) and (c).

For the above stated reasons, the petition is denied. The application will therefore be taken up the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

HP/JC

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WYETH/FINNEGAN HENDERSON, LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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SEP 25 2008

OFFICE OF PETITIONS

In re Application of
Glenn R. Larsen et al.
Application No. 12/167,705
Filed: July 3, 2008
Attorney Docket No. **08702.0010-15000**

: DECISION GRANTING
: PETITION
:

This is a decision on the filing date petition filed August 27, 2008 under 37 CFR 1.57(a). The petition is treated under 37 CFR 1.53(e)(2).

The application was filed on July 3, 2008. However, on August 4, 2008 the Office of Data Management mailed a Notice of Incomplete Application stating that the application had not been filed with drawings and thus, the application could not be accorded a filing date.

In response, the present petition was filed. Petitioner contends that the instant application, upon filing, properly claimed priority to previously filed U.S. Application No. 09/935,144 which was incorporated by reference.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains ... a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under ... § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s). MPEP 201.17

Therefore, if an application, as originally filed on or after September 21, 2004, <u>does not</u> include an explicit incorporation by reference statement in the specification, and is entitled to a filing date despite the inadvertent omission of a portion of the prior filed application(s), an applicant may be permitted to add the omitted material by filing an amendment under 37 CFR 1.57(a) within the time period set by the Office. <u>See</u> 37 CFR 1.57(a)(1) and MPEP 201.06(c)(IV).

However, petitioner's attention is directed to MPEP 601.01(f), which 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 it contained at least one composition claim. 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.

In view of the above, the instant petition is entitled to a filing date of July 3, 2008 although without drawings present in the application and to that extent, the petition is **GRANTED**.

The petition fee in the amount of $400.00 will be credited back to the credit card provided..

This application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing with a filing date of July 3, 2008, using the application papers received in the Office on that date and with an indication in Office records that the drawings, as described in the specification, while not included with the application papers upon filing, were a part of the original disclosure.

In light of the explicit incorporation by reference, petitioner may file a preliminary amendment, for review by the Examiner in due course, to add the drawings filed with the instant petition.

Telephone inquiries concerning this matter should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

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BAILEY & TIPPENS
THE KENNEDY BUILDING
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TULSA OK 74103-3318

In re Application of	:	
Tibor Siklosi	:	
Application No. 12/167,730	:	DECISION ON PETITION
Filed: July 3, 2008	:	TO WITHDRAW
Attorney Docket No. 66615/07-659	:	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 5, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. This change has been made in order to avoid subsequent correspondence being directed to an incorrect address or to a practitioner who has not been appointed as practitioner of record by the applicant.

Accordingly, the request to withdraw from record cannot be approved because the change of correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71, who has properly intervened. In order to update the application filed, a Statement under 37 CFR 1.373(b) must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET
SUITE 4000
MINNEAPOLIS MN 55402

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AUG 1 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Robert C. Grommesh, et al.	:	
Application No. 12/167,826	:	DECISION ON PETITION
Filed: July 3, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 44046.503.4.2	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 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 declaration statement signed by applicant Roger O'Shaughnessy. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Papers to await the reply to the Notice to File Corrected Application Papers (Notice) mailed August 1, 2008. This application will be accorded "special" status when pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/167,859	07/03/2008	Huai-Hung Kao	08054212	6307

26565 7590 08/21/2008
MAYER BROWN LLP
P.O. BOX 2828
CHICAGO, IL 60690

EXAMINER

ART UNIT	PAPER NUMBER
1614	

NOTIFICATION DATE	DELIVERY MODE
08/21/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocket@mayerbrown.com

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AUG 2 1 2008

26565
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690

In re Application of	:
Huai-Hung Kao	: DECISION ON PETITION TO MAKE
Serial No.: 12/167,859	: SPECIAL FOR NEW APPLICATION
Filed: July 3, 2008	: UNDER 37 C.F.R. § 1.102 & M.P.E.P.
Attorney Docket No.: 08054212	: § 708.02

This is a decision on the petition filed on July 3, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in an agreement that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a Final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the Final Office action, applicant must: 1) promptly file a Notice of Appeal, an Appeal Brief and Appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after Final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a Final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Dave T Nguyen, Technology Center Quality Assurance Specialist, at (571) 272-0731.

Dave Nguyen
TQAS TC 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/167,904	07/03/2008	Yousuke IMAMURA	Q109069	6402

7590 07/17/2009
SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

EXAMINER
BENSON, WALTER

ART UNIT	PAPER NUMBER
2837	

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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 07/17/2009 NFARMER
07/07/2008 INTEFSW 00002559 194880 12167904
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/167,946	07/03/2008	Michael Campion	CM08008	6484

45171 7590 08/14/2008
KEITH L. JENKINS
2222 NORTH MCQUEEN ROAD #2069
CHANDLER, AZ 85225

EXAMINER

ART UNIT	PAPER NUMBER
3767	

MAIL DATE	DELIVERY MODE
08/14/2008	PAPER

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The time period for reply, if any, is set in the attached communication.

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AUG 1 4 2008

45171
KEITH L. JENKINS
2222 North McQueen Road #2069
Chandler, AZ 85225

In re Application of	:
Campion	: DECISION ON PETITION TO MAKE
Serial No.: 12/167,946	: SPECIAL FOR NEW APPLICATION
Filed: July 3, 2008	: UNDER 37 C.F.R. § 1.102 & M.P.E.P.
Attorney Docket No.: CM08008	: § 708.02

This is a decision on the petition filed on July 3, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in an agreement that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a Final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the Final Office action, applicant must: 1) promptly file a Notice of Appeal, an Appeal Brief and Appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after Final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a Final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Dave T Nguyen, Technology Center Quality Assurance Specialist, at (571) 272-0731.

Dave Nguyen
TQAS TC 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/167,968	07/03/2008	Mitsuyoshi Takao	8077P408	6528

8791 7590 08/26/2009
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
08/26/2009	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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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of	
Mitsuyoshi TAKAO	**: DECISION ON REQUEST TO**
Application No.: 12/167,968	**: PARTICIPATE IN THE PATENT**
Filed: 03 July 2008	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 8077P408	**: PROGRAM AND PETITION**
For: DISPLAY APPARATUS	**: TO MAKE SPECIAL UNDER**
	: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 26 May 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH pilot program and petition is assessed as follows:

Conditions 1 and 4-6 above are considered to have been met.
However the request to participate in the PPH program fails to meet condition 2, 3 and 7.

Regarding condition 2:

Petitioner has not submitted a copy of the allowable/patentable claims from the JPO application. It is noted that Petitioner requested that the USPTO obtain a copy of the allowable/patentable claims from the JPO application via the Dossier Access System. However, the USPTO was unable to obtain a copy of the allowable/patentable claims via the Dossier Access System. Petitioner is requested to submit a copy of the allowable/patentable claims from the JPO application.

Regarding condition 3:

Petitioner has not amended all the claims in the U.S. application to correspond to the allowable/patentable claims from the JPO application. Claim 6 of the U.S. application does not correspond with any allowable/patentable claim of the JPO application.

Regarding condition 7:

Petitioner has not paid the required petition fee under 37 CFR 1.17(h). It is noted that Petitioner paid a fee for a request for voluntary publication or republication on 26 May 2009. It appears as though Petitioner may have used the incorrect fee code.

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 Michael Day at (571) 272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/167,968	07/03/2008	Mitsuyoshi Takao	8077P408	6528

8791 7590 10/06/2009
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
DUONG, HUNG V

ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
10/06/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of	
Mitsuyoshi TAKAO	**: DECISION ON REQUEST TO**
Application No.: 12/167,968	**: PARTICIPATE IN THE PATENT**
Filed: 03 July 2008	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 8077P408	**: PROGRAM AND PETITION**
For: DISPLAY APPARATUS	**: TO MAKE SPECIAL UNDER**
	: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 26 May 2009, and renewed request, filed 28 September 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652 unless this is a request from the pilot program in which case a fax submission is also acceptable. Fax may be sent to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/167,988	07/03/2008	Vicki Chan	190373/us-475386-105	6565

30873 7590 09/10/2008
DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK, NY 10177

EXAMINER

ART UNIT	PAPER NUMBER
3677	

MAIL DATE	DELIVERY MODE
09/10/2008	PAPER

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MAILED
FROM DIRECTORS OFFICE

SEP 09 2008

TECHNOLOGY CENTER 3600

Dorsey & Whitney LLP
Intellectual Property Department
250 Park Avenue
New York, NY 10177

In re application of
Vicki Chan
Application No. 12/167,988
Filed: July 3, 2008
For: LOCKING DEVICE

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on July 3, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation

of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

It appears that the petition was at least partially 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 (see Federal Register Notice of June 26, 2006). Since applicant's petition was received on July 3, 2008, the petition must be considered under the new guidelines under 37 CFR 1.102(d).

The petition in this case fails to comply with conditions II.5, II.5.2, II.6.2, II.6.3, II.6.4 and II.6.5, above.

As to condition II.5, a good faith statement that indicates the belief that the search was conducted in compliance with the requirements for Accelerated Examination as outlined in MPEP 708.02(a).

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. With respect to the classification search, in addition to the areas searched, the search needs to include at least a search of 24/68J, 265EC, 265R, 574.1, 604, 606, 607, 615, 662; as well as 63/3. Additionally, a search of at least the foreign databases of the EPO, JPO and WIPO are generally required.

With respect to the required text search of the US Patents database, there does not appear to have been a text search done, or if one has, what was done is unclear since it has not been documented in the petition. Without a text search the applicant may not have located the most pertinent art. Search logic encompassing the "broadest reasonable interpretation" of the claimed invention is required. The USPTO website has an example of the proper manner of performing and documenting a preexamination search for Accelerated Examination petitions at: http://www.uspto.gov/web/patents/accelerated/. Additionally, an example of an additional text search is provided below:

(clasp with (deform$5 near latch)) or (clasp with (pivot$5 near latch)) or (clasp with (lever or actuator)).

The sample of search terms are not meant to be the sole search terms that can or should be employed in this application, but is meant solely as an example for applicant's assistance. The same additions shown above for the text search can also be used in the search of foreign databases and NPL search.

As to condition II.6.2, there currently is not an adequate listing of all the limitations (or portions thereof) in each of the claims that are disclosed in each of the cited references, specifying where each of the limitations (or portions thereof) are disclosed in each of the references. It is noted that there are explanations of the disclosures of the references, but it is not clear if the limitations (or a portion thereof) of each claim are clearly taught by the reference or not. That must be made clear. Since it is required that the most closely related references are to be submitted with the petition, all of the references submitted are considered to be "most closely related" and need to be completely addressed in the Support Document. There currently is not an adequate listing of all the limitations (or portions thereof) in each of the claims (not just the independent claims) that are disclosed in each of the cited references, specifying where each of the limitations (or portions thereof) are disclosed in each of the references.

As to condition II.6.3, there is not a satisfactory detailed explanation of claim patentability over each of the references. The petition merely recites the entirety of claim 1. The explanation needs to specify how each of the claims (not just the independent claims) are patentable over each of the cited references, which includes the need to specify whether each of the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. Also, when explaining that a limitation is not taught by the prior art it should be made clear which specific portion of the limitation is not taught or make it clear that no part of the limitation is taught by any of the references.

The USPTO website has an example of the proper manner of documenting limitations taught by cited art, and the manner of explaining claim patentability over the references, for an Accelerated Examination Support Document at: http://www.uspto.gov/web/patents/accelerated/.

As to condition II.6.4, the concise statement of utility needs to indicate an explanation of how the claims have utility.

As to condition to II.6.5, the showing of where each limitation of each of the claims finds support under 35 USC 112 in the written description of the application appears to be missing. For each claimed limitation (including dependent claims) the petition needs to identify specific passages, or at least a single paragraph where each limitation is supported.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 9/9/08

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.
12/167,988	07/03/2008	Vicki Chan	190373/us-475386-105	6565

30873 7590 10/21/2008
DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK, NY 10177

EXAMINER

ART UNIT	PAPER NUMBER
3677	

MAIL DATE	DELIVERY MODE
10/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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OCT 21 2008

Dorsey & Whitney LLP
Intellectual Property Department
250 Park Avenue
New York, NY 10177

In re application of Vicki Chan Application No. 12/167,988 Filed: July 3, 2008 For: LOCKING DEVICE	: **DECISION ON PETITION** : **TO MAKE SPECIAL FOR** : **NEW APPLICATION** : **UNDER 37 CFR 1.102**

This is a decision on the renewed petition filed on October 10, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on July 30, 2008. That petition was dismissed in a decision mailed September 10, 2008 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reason for the dismissal was a lack of a proper good faith statement, an inadequate classification search, an inadequate text search, and an improper Support document.

The renewed petition's searches and good faith statement are deemed sufficient.

However, the renewed petition fails to comply with items II.6.2, II.6.3, II.6.4 and II.6.5.

As to condition II.6.2, there remains an inadequate listing of all the limitations (or portions thereof) in each of the claims that are disclosed in each of the cited references, specifying where each of the limitations (or portions thereof) are disclosed in each of the references. It is noted that there are explanations of the disclosures of the references, but it is not clear if the limitations (or a portion thereof) of each claim are clearly taught by the reference or not. That must be made clear. Since it is required that the most closely related references are to be submitted with the petition, all of the references submitted are considered to be "most closely related" and need to be completely addressed in the Support Document. There currently is not an adequate listing of all the limitations (or portions thereof) in each of the claims (not just the

independent claims) that are disclosed in each of the cited references, specifying where each of the limitations (or portions thereof) are disclosed in each of the references. Simply reciting what the reference "relates to" is not acceptable since it is not clear what specific limitations of which claims are admitted as being taught by the prior art.

As to condition II.6.3, the detailed explanation of claim patentability over each of the references also continues to be unacceptable. The petition merely recites the entirety of claims. The explanation still needs to specify how each of the claims (not just the independent claims) are patentable over each of the cited references, which includes the need to specify whether each of the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. Also, when explaining that a limitation is not taught by the prior art it should be made clear which specific portion of the limitation is not taught or make it clear that no part of the limitation is taught by any of the references. This analysis needs to be done on a claim-by-claim basis and cannot conflict with the limitations disclosed as being taught by the references in Item II.6.2, above.

Indicating that the applicant "cannot predict what specific portions of the references may find relevant to the recited limitations or portions of the claimed invention" does not give the applicant a pass on the above requirements. Applicant must explain what is taught in each of the claims by each of the references and specifically how each of the claims is patentable over the references as outlined above.

As to condition II.6.4, the paragraphs included to provide a concise statement of utility appear to recite the improvement to the art provided by the invention. It is unclear how this relates to utility. The petition needs to indicate an explanation of how the claims have utility.

As to condition to II.6.5, the showing of where each limitation of each of the claims finds support under 35 USC 112 in the written description of the application appears unclear. For each claimed limitation (including dependent claims) the petition needs to identify specific passages, or at least a single paragraph where each limitation is supported. To make this clear this should be done by separately explaining where each limitation of each claim has support in the specification and reciting it in terms of the specific language of each limitation of the claims. From what was submitted it is not clear where the claim support is.

Given that the items II.6.2, II.6.3, II.6.4 and II.6.5, as outlined above have not been sufficiently complied with, the petition is hereby **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the original petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.

Steven N. Meyers
Quality Assurance Specialist
Technology Center 3600

snm/snm 10/21/08

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FOLEY & LARDNER LLP
P.O. Box 80278
San Diego, CA 92138-0278

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DEC 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Gabor Bajko, et al.	:	
Application No. 12/168,011	:	DECISION ON PETITION
Filed: July 3, 2008	:	TO WITHDRAW
Attorney Docket No. P3587US00	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 22, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley & Lardner LLP has been revoked by the assignee of the patent application on November 11, 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: **DITTHAVONG MORI & STEINER, P.C.**
918 Prince Street
Alexandria, VA 22314

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MAR 16 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of HAN, SEUNG HEE, et al. Application No. 12/168,014 Filed: July 3, 2008 Attorney Docket No.: **2101-3537**	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 17, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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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MAR 17 2010

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	:	
HAN, SEUNG HEE, et al.	:	DECISION ON REQUEST TO
Application No. 12/168,018	:	PARTICIPATE IN PATENT
Filed: July 3, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No.: **2101-3538**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 19, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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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TECHNOLOGY CENTER 2600

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of HAN, SEUNG HEE, et al. Application No. 12/168,021 Filed: July 3, 2008 Attorney Docket No.: **2101-3539**	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 17, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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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OFFICE OF PETITIONS

CARR LLP (IST)
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS TX 75202

In re Application of	:	
Hochschuler, et al.	:	
Application No. 12/168,030	:	DECISION ACCORDING STATUS
Filed: July 3, 2008	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 13-001-US1 (IST: 3719001)		

This is in response to the petition under 37 CFR 1.47 filed on February 23, 2009, which is being treated as a petition under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

Rule 47 applicant has shown that inventor Stephen Hochschuler has refused to sign the declaration. Specifically, petitioner has included a copy of a written refusal from Hochschuler's attorney.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Group Art Unit 3775 for docketing and examination in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

STEPHEN HOCHSCHULER
6020 W PARKER RD
SUITE 200
PLANO TX 75093

In re Application of Hochschuler, et al. Application No. 12/168,030 Filed: July 3, 2008 Title: Facet Fusion Implant	:	LETTER

Dear Mr. Hochschuler:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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CARR LLP (IST)
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS, TX 75202

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OFFICE OF PETITIONS

In re Application of	:	
Stephen Hochschuler, et al.	:	
Application No. 12/168,030	:	DECISION ON PETITION
Filed: July 3, 2008	:	TO WITHDRAW
Attorney Docket No. 13-001-US1 (IST3719001)	:	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 7, 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 George W. Carr on behalf of all attorneys of record who are associated with customer No. 57004. All attorneys/agents associated with the Customer Number 57004 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: STEPHEN HOCHSCHULER
6020 W. PARKER ROAD
SUITE 200
PLANO, TX 75093

cc: ECKERT SEAMANS CHERIN & MELLOTT
600 GRANT STREET
44TH FLOOR
PITTSBURGH, PA 15219

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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
12/168,030	07/03/2008	Stephen Hochschuler	13-001-US1 (IST 3719001)

CONFIRMATION NO. 6658

POWER OF ATTORNEY NOTICE

OC000000037609210

57004
CARR LLP (IST)
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS, TX 75202

Date Mailed: 09/01/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/07/2009.

- 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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YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

Mail Date: 04/21/2010

Applicant	: Derrick Wang Whittle	: DECISION ON REQUEST FOR
Patent Number	: 7600046	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/168,046	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/03/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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STUART WILKINSON
833 CALDER ROAD
MISSISSAUGA ON L5J 2N6 CA
CANADA

MAILED

JUL 09 2009

OFFICE OF PETITIONS

In re Application of	:	
James Edward Rigney	:	
Application No. 12/168060	:	
Filing or 371(c) Date: 07/03/2008	:	ON PETITION
Title of Invention:	:	
METHOD AND APPARATUS FOR	:	
PROCESSING PLANT MATERIALS	:	
FOR BIO-FUEL PRODUCTION	:	

This is a decision on the petition under 37 CFR 1.137(a), filed June 2, 2009, to revive the above-identified application.

This Petition is hereby **dismissed as moot**.

Background

An Office action was mailed April 20, 2009. The Office action set a one (1) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a).

Applicant filed a letter on May 26, 2009, stating that he did not receive the first page of the Office action with the mail date, and that he was unable to file a response electronically because he did not have a confirmation number.

The present petition

Applicant next filed a reply to the Office action on June 2, 2009, and the present petition. No extension of time request or fee was filed.

Status of the application

Applicant is advised that the application is not yet abandoned. The Office action provided for extensions of time, and Applicant has until the maximum extendable period for filing a reply to render the reply filed with the present petition timely. The reply was due on May 20, 2009.

Thereafter, a one (1) month extension of time would have been required in order to make the reply timely if filed by June 20, 2009. The fee for a one (1) month extension of time is currently $60.00. A two (2) month extension of time and fee are required and if received by July 20, 2009, the reply would be considered timely. The current fee for a two (2) month extension of time is $245.00. The fee for a three (3) month extension of time is currently $555.00; a four month extension of time is $865.00, and a five (5) month extension of time is $1,175.00.

Because Applicant is still in the extendable period, submission of the appropriate extension of time fee will render the reply timely. If no extension of time is filed, the application will be abandoned the day after the date that the reply was due (in this instance May 21, 2009); however, until the maximum extendable period expires, the application is not abandoned.

Accordingly, the present petition to revive the application based upon unavoidable delay under 37 CFR 1.137(a) is dismissed as moot.

Finally, Applicant is advised that the current fee schedule is available at www.uspto.gov/main/patents. Applicant is further advised that the Inventor's Assistance Center is available to provide assistance, at 1-800-786-9199, for assistance in prosecuting the patent application.

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 Decision only should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions