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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/207,364	09/09/2008	Yan-Ru Lin	10118562	1612

7590 05/07/2009
QUINTERO LAW OFFICE, PC
2210 MAIN STREET, SUITE 200
SANTA MONICA, CA 90405

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
05/07/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 05/07/2009 BPOWELL
09/10/2008 INTEFSW 00003738 12207364
02 FC:1111 -510.00 OP

Adjustment Date: 05/07/2009 BPOWELL
03/27/2009 MTEKLEMI 00000007 040258 12405124
02 FC:1111 540.00 CR
04 FC:1202 312.00 CR

FORM PET651G (Rev. 08/07)

Refund Ref:
05/07/2009 0030069839

Credit Card Refund Total: $510.00

Ab Exp..: XXXXXXXXXXX1004

Adjustment date: 05/07/2009 BPOWELL
09710/2008 INTEFSW 00003738 12207364
-510.00 OP
02 FC:1111

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ZILKA-KOTAB, PC
P.O. BOX 721120
SAN JOSE CA 95172-1120

MAILED

APR 14 2010

OFFICE OF PETITIONS

In re Application of	:	
DANILAK, Radoslav	:	
Application No. 12/207,379	:	DECISION ON PETITION
Filed: September 09, 2008	:	TO WITHDRAW
Attorney Docket No. **SAF1P018**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2010

The request is **NOT APPROVED**.

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

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

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 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **SANDFORCE, INC.**
ATTENTION: EARL COHEN
12950 SARATOGA AVE
SARATOGA CA 95070-4658

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SEP 14 2009

OFFICE OF PETITIONS

Foley & Lardner, LLP
975 Page Mill Road
Palo Alto, CA 94304

In re Application of	:	
Richard D. Gless, Jr.	:	
Application No. 12/207,408	:	DECISION ON PETITION
Filed: September 9, 2008	:	TO WITHDRAW
Attorney Docket No. 074019-1601	:	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 14, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Antoinette F. Konski on behalf of attorney/agents associated with customer number 38706. All attorneys/agents associated with customer number 38706 have been withdrawn.

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

All future correspondence will be mailed to the assignee to the address copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Arete Therapeutics, Inc.
3912 Trust Way
Hayward, CA 94545

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/207,408	09/09/2008	Richard D. Gless JR.	074019-1601

CONFIRMATION NO. 1672

POWER OF ATTORNEY NOTICE

38706
FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO, CA 94304

OC000000037784023

Date Mailed: 09/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/14/2009.

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

/kainabinet/

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

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Foley & Lardner, LLP
975 Page Mill Road
Palo Alto, CA 94304

MAILED

SEP 08 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard D. Gless, Jr.	:	
Application No. 12/207,413	:	DECISION ON PETITION
Filed: September 9, 2008	:	TO WITHDRAW
Attorney Docket No. 074019-1051	:	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 14, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Antoinette F. Konski on behalf of attorney/agents associated with customer number 38706. All attorneys/agents associated with customer number 38706 have been withdrawn.

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

All future correspondence will be mailed to the assignee to the address copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Arete Therapeutics, Inc.
3912 Trust Way
Hayward, CA 94545

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/207,413	09/09/2008	Richard D. Gless JR.	074019-1051

CONFIRMATION NO. 1680

POWER OF ATTORNEY NOTICE

38706
FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO, CA 94304

OC000000037683890

Date Mailed: 09/04/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/14/2009.

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

/kainabinet/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/207,430	09/09/2008	Ryo Chijiiwa	074175.0202	1712

81143 7590 04/10/2009
BAKER BOTTS L.L.P.
2001 ROSS AVENUE
6TH FLOOR
DALLAS, TX 75201

EXAMINER
AN, MENG AI T

ART UNIT	PAPER NUMBER
2195	

NOTIFICATION DATE	DELIVERY MODE
04/10/2009	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):

ptomail1@bakerbotts.com
ptomail2@bakerbotts.com
ptomail3@bakerbotts.com

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April 7, 2009,

MARK J. SPOLYAR
BAKER BOTTS LLP
2001 ROSS AVENUE
6TH FLOOR
DALLAS TX 75201

In re Application of: Ryo Chijiiwa
Serial No: 12/207,430
Filed: September 9, 2008
Docket: 074175.0202
Title: Secure Inter-Module Communication Mechanism

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

This is a decision on the petition filed on September 9, 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

MPEP 708.02(a) sets forth the requirements that a petition to make special 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 in order to be grantable:

> 708.02(a) [R-5] Accelerated Examination
>
> All petitions to make special, except those based on applicants health or age or the Patent Prosecution Highway (PPH) pilot program, filed on or after August 25, 2006 must meet the requirements set forth in subsection I below. See MPEP § 708.02 subsection III or IV (where appropriate) for the requirements for filing a petition to make special based on applicants health or age.
>
> Applications filed prior to August 25, 2006 are not eligible for the accelerated examination program set forth below. A petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicants health or age or is under the PPH pilot program, or if it complies with the requirements set forth below.
>
> I. REQUIREMENTS FOR PETITIONS TO MAKE SPECIAL UNDER ACCELERATED EXAMINATION
>
> A new application may be granted accelerated examination status under the following conditions:
>
> (A) The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is

directed to environmental quality, the development or conservation of energy resources, or countering terrorism. See 37 CFR 1.102(c)(2). Applicant should use form PTO/SB/28 for filing the petition.

(B) The application must be a non-reissue utility or design application filed under 35 U.S.C. 111(a).

(C) The application, petition, and required fees must be filed electronically using the USPTOs electronic filing system (EFS), or EFS-Web. If the USPTOs EFS and EFS-Web are not available to the public during the normal business hours for these systems at the time of filing the application, applicant may file the application, other papers and fees by mail accompanied by a statement that EFS and EFS-Web were not available during the normal business hours, but the final disposition of the application may occur later than twelve months from the filing of the application. See subsection VIII.F. below for more information.

(D) At the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an executed oath or declaration under 37 CFR 1.63. See subsection VIII.C. below for more information.

(E) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must also not contain any multiple dependent claims. By filing a petition to make special under the accelerated examination program the applicant is agreeing not to separately argue the patentability of any dependent claim during any appeal in the application. Specifically, the applicant is agreeing that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)). The petition must include a statement that applicant will agree not to separately argue the patentability of any dependent claim during any appeal in the application. See form PTO/SB/28.

(F) The claims must be directed to a single invention. If the USPTO determines that all the claims presented are not directed to a single invention, applicant must make an election without traverse in a telephonic interview. The petition must include a statement that applicant will agree to make an election without traverse in a telephonic interview. See form PTO/SB/28.

(G) The applicant must be willing to have an interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time. The petition must include a statement that applicant will agree to have such an interview when requested by the examiner. See form PTO/SB/28.

(H) At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.

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

(2) This preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

(3) The preexamination search must also encompass the disclosed features that may be claimed. An amendment to the claims (including any new claim) that is not encompassed by the preexamination search or an updated accelerated examination support document (see item I) will be treated as not fully responsive and will not be entered. See subsection IV below for more information.

(4) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements for a preexamination search.

(5) Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. See 37 CFR 1.56 and 10.18.

(I) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.

(1) An accelerated examination support document must include an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims.

(2) For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

(3) The accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c).

(4) The accelerated examination support document must include a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application).

(5) The accelerated examination support document must include a showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in the written description of the specification. If applicable, the showing must also identify:

   (i) each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, paragraph 6; and

   (ii) the structure, material, or acts in the specification that correspond to each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, paragraph 6. If the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.

(6) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c).

REVIEW OF FACTS

The conditions of MPEP 708.02(a)(I) (A-G) above are met. However, the petition fails to comply with the conditions of MPEP 708.02(a)(I) (H-I) above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

As to MPEP 708.02(a)(I) (H) the petition complies with sub-conditions (1 and 3-5) but fails to comply with sub-condition (2).

As to sub-condition (2) the requirement is that the "pre-examination search must" give "the claims the broadest reasonable interpretation". Petitioner's search shown in the pre-examination search document ("PESD") is deficient for failing to give the claims the broadest reasonable interpretation. Specifically, both the claims and petitioner's text searches acknowledge that the invention lies within the context of application programming interface ("API") systems (see claims 2-5 and the second L2-L7 search statements in the EAST database search) however petitioner has failed to perform a search within class 719 "Electrical Computers and Digital Processing Systems: Interprogram Communication or Interprocess Communication (IPC)". Specifically, at least the following subclasses of class 719 are highly relevant to the present claims yet were not searched:

719/313 Interprogram Communication Using Message
719/314 . Message using queue
719/315 . Object oriented message
719/316 .. Managed object system
719/317 . Agent
719/328 Application Program Interface (API)

719/329 . Data transfer between application windows

As petitioner's claimed system, given a broad reasonable interpretation, is an interprogram communication system using messages and queues, including object modules, used to create an application programming interface to allow data transfer between application windows. Accordingly, any search which omits at least the above listed sub-classes has failed to give "the claims the broadest reasonable interpretation". Petitioner in correcting the petition omission must perform a search of at least the above sub-classes and evaluate all the references classified therein for relevance to the claimed invention. Correction is required.

It is noted that the above list of sub-classes is not meant to be exhaustive and that it is incumbent upon petitioner to search all relevant classification areas which are relevant to the claimed invention.

As to MPEP 708.02(a)(I) (I) the petition complies with sub-conditions (1) and (4-6) but fails to comply with sub-conditions (2) and (3).

As to sub-condition (2) the requirement is that "[f]or 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." In petitioners accelerated examination support document ("AESD") petitioner has provided a summary reference to each cited reference summarizing the teachings and referencing to particular sections of each reference. The AESD however has failed to relate those teachings of the references to particular claim features as required by sub-condition (2). The office can not infer which claim feature petitioner believes is taught by what section of each reference. Petitioner in correcting the petition deficiencies must specifically relate individual claim features to the location that such claim features are taught by each reference as required by MPEP 708.02(a)(I) (I)(2). Correction is required.

As to sub-condition (3) the requirement is that the AESD "must include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c)." While petitioner has met the requirement of sub-condition (3) in reference to a use of the cited references for rejection under 35 USC § 103(a), petitioners explanation of patentability for use of the cited references for rejection under 35 USC § 102 is deficient. Petitioner, in relation to § 102 simply makes reference to the deficient showing of features taught by each reference in the AESD rather than by pointing out the patentability of the claims over the references "with the particularity required by 37 CFR 1.111(b) and (c)". In correcting the petition deficiencies, petitioner must point out how the claims are patentable over the references in regards to a § 102 rejection "with the particularity required by 37 CFR 1.111(b) and (c)" as required by MPEP 708.02(a)(I) (I)(3). Correction is required.

DECISION

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

Petitioner is given a **single** opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address **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 Gail Hayes, Quality Assurance Specialist, at (571) 272-3591.

_____/Gail Hayes/_____
Gail Hayes, Quality Assurance Specialist
Technology Center 2100

RLE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/207,430	09/09/2008	Ryo Chijiiwa	074175.0202	1712

81143 7590 06/26/2009
BAKER BOTTS L.L.P.
2001 ROSS AVENUE
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DALLAS, TX 75201

EXAMINER
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ART UNIT	PAPER NUMBER
2195	

NOTIFICATION DATE	DELIVERY MODE
06/26/2009	ELECTRONIC

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

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

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

ptomail1@bakerbotts.com
ptomail2@bakerbotts.com
ptomail3@bakerbotts.com

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2001 ROSS AVENUE
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DALLAS TX 75201

6/22/09

In re Application of: Ryo Chijiiwa, et al.
Serial No.: 12/207,430
Filed: September 9, 2008
Docket: 074175.0202
Title: SECURE INTER-MODULE COMMUNICATION MECHANISM

COMMUNICATION REGARDING ORDER OF EXAMINATION

A decision dismissing the petition to make the above-identified application special for accelerated examination was mailed on April 10, 2009. The decision set a non-extendable time period of one month or 30 (thirty) days, whichever is longer, from its mailing date to correct the deficiency/deficiencies in the petition.

As of Jun 22, 2009, the expiry of the period set, neither a reply nor a renewed petition was received. Accordingly, the application is no longer eligible for the accelerated examination program.

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

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

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

/Gail Hayes/

Gail Hayes,
Quality Assurance Specialist
Technology Center 2100

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 05/05/2010

Applicant	: Jeyhan Karaoguz	: DECISION ON REQUEST FOR
Patent Number	: 7650414	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/207,440	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/09/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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Carestream Health, Inc.
150 Verona Street
Rochester, NY 14608

Mail Date: 04/21/2010

Applicant	: Jacob Koren	: DECISION ON REQUEST FOR
Patent Number	: 7611282	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/207,517	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/10/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Randall A. Alsobrook
829 Jerry Lane
Bedford, TX 76022

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JAN 13 2010

In re Application of	:	
Randall A. Alsobrook	:	
Application No. 12/207,529	:	DECISION ON PETITION
Filed: September 10, 2008	:	TO WITHDRAW
Attorney Docket No. 121140-1001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 17, 2009.

The request is **APPROVED**.

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

The request was signed by Kelly J. Kubasta 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 Randall A. Alsobrook at the address indicated below.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Randall A. Alsobrook**
829 Jerry Lane
Bedford, TX 76022

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/207,529	09/10/2008	Randall A. Alsobrook	121140-1001

CONFIRMATION NO. 1887

POWER OF ATTORNEY NOTICE

38406
Michael A. O'Neil. P.C.
8150 North Central Expressway
Suite 1150
DALLAS, TX 75206

OC000000039636167

Date Mailed: 01/13/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/17/2009.

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

/tsjohnson/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

David Joseph King
2201 Thyme Lane
Frankfort, IL 60423

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MAY 22 2009

OFFICE OF PETITIONS

In re Application of :
Girard, King, Gasteyer, Hryn, Schaeffer, Kuzyk, :
Sameshima, and Chamberlain :
Application No.: 12/207,535 : LETTER
Filed: September 10, 2008 :
Attorney Docket No: 21735-1 :
For: SYSTEM AND METHOD FOR CRYOGENIC ENHANCEMENT TO MECHANICAL FREEZERS

Dear Inventor King

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

PRAXAIR, INC.
LAW DEPARTMENT - M1 557
39 OLD RIDGEBURY ROAD
DANBURY CT 06810-5113

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN VA 22102-3833

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AUG 10 2009

OFFICE OF PETITIONS

Applicants: Shigeru Matsui
Appl. No.: 12/207,536
Filing Date: September 10, 2008
Title: SURFACE INSPECTION METHOD AND SURFACE INSPECTION APPARATUS
Attorney Docket: XA-11173
Pub. No.: US 2009/0066940 A1
Pub. Date: March 12, 2009

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

The request is granted.

The drawings received by the Office on September 10, 2008, which were improperly scanned into this application and published have been removed from the application.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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OFFICE OF PETITIONS

Foley & Lardner, LLP
975 Page Mill Road
Palo Alto, CA 94304

In re Application of	:	
Sampath-Kumar Anandan et al.	:	
Application No. 12/207,666	:	DECISION ON PETITION
Filed: September 10, 2008	:	TO WITHDRAW
Attorney Docket No. 074019-1101	:	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 14, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Antoinette F. Konski on behalf of attorney/agents associated with customer number 38706. All attorneys/agents associated with customer number 38706 have been withdrawn.

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

There was no request to change the correspondence address. 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Foley & Lardner, LLP
975 Page Mill Road
Palo Alto, CA 94304

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SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Sampath-Kumar et al.	:	
Application No. 12/207,668	:	DECISION ON PETITION
Filed: September 10, 2008	:	TO WITHDRAW
Attorney Docket No. 074019-1651	:	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 14, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Antoinette F. Konski on behalf of attorney/agents associated with customer number 38706. All attorneys/agents associated with customer number 38706 have been withdrawn.

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

All future correspondence will be mailed to the first signing inventor at the address copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Sampath-Kumar Anandan
41069 Cornac Terrace
Fremont, CA 94539

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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
12/207,668	09/10/2008	Sampath-Kumar Anandan	074019-1651

CONFIRMATION NO. 1162

POWER OF ATTORNEY NOTICE

38706
FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO, CA 94304

OC000000037784446

Date Mailed: 09/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/14/2009.

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

/kainabinet/

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

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G. LINK CO., LTD
3550 BELL ROAD
MINOOKA, IL 60447

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In re Application of
Tung-Ping Lee
Application No. 12/207,784
Filed: September 10, 2008
Attorney Docket No. P1288

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 28, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed September 23, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 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 a reply, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

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

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received December 28, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/207,784	09/10/2008	Tung-Ping LEE	P-1288

CONFIRMATION NO. 1342

POA ACCEPTANCE LETTER

G. LINK CO., LTD
3550 BELL ROAD
MINOOKA,, IL 60447

OC000000040373381

Date Mailed: 03/02/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/28/2009.

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

/amwise/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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D.A. STAUFFER PATENT SERVICES LLC
1006 MONTFORD ROAD
CLEVLAND HTS, OH 44121-2016

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OFFICE OF PETITIONS

In re Application of :
Lynn O. BARNETT :
Application No. 12/207,832 : DECISION ON PETITION TO MAKE
Filed: September 10, 2008 : SPECIAL UNDER 37 CFR 1.102(c)(1)
Attorney Docket No. **LB-103 cip** :
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 14, 2009 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the certification by registered attorney DA Stauffer registration number 47963, attesting to the age of inventor Lynn O. Barnett. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3600.

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

The application is being forwarded to the Technology Center Art Unit 3633 for action on the merits commensurate with this decision.

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

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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.
12/207,869	09/10/2008	Joo-Ae Youn	8071-91DIV-OPP20082397US	1494

7590 04/30/2009
F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY, NY 11797

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
04/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 05/01/2009 BPOWELL
09/11/2008 INTEFSW 00000673 12207869
02 FC:1111 -510.00 OP

Refund Ref:
05/01/2009 0030069563

Credit Card Refund Total: $510.00

Ac Exp..: XXXXXXXXXXX1004

FORM PET651G (Rev. 08/07)

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Date Mailed: :June 1. 2010
Patent No. : 7,671,497 B2
Ser. No. :12/207885
Issued : March 2, 2010
Inventor(s) Brian Pettey
Title : BOBBY SERVP ADA[TER

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, attorney agent/firm) 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 is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (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.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(571) 272-0423

Westman, Champlin & Kelly
Ste. 1400, 900 Second Ave. South
Minneapolis, MN 55402-3319

MD/mt

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OFFICE OF PETITIONS

Pabst Patent Group LLP
1545 PEACHTREE STREET NE
SUITE 320
ATLANTA, GA 30309

In re Application of Terenghi et al. :
Application No. 12/207,911 : Decision on Petition
Filing Date: September 10, 2008 :
Attorney Docket No. TEPH 109 CON :

This is a decision in response to the petition filed September 26, 2008, which requests the application be accorded a filing date of September 10, 2008, and requests entry of fourteen pages of specification including one page of abstract and two pages of claims.

The petition is **granted**.

Application papers were filed September 10, 2008.

The application papers filed September 10, 2008, included:

(1) Three pages of transmittal paper,
(2) A two-page Electronic Fee Transmittal Sheet,
(3) A copy of a two-page declaration from Application No. 10/568,649,
(4) A two-page Application Data Sheet,
(5) A Preliminary Amendment including:
  (A) One page of specification,
  (B) Two pages of claims, and
  (C) One page of remarks.

The preliminary amendment amended the specification to state in part that the instant application is a continuation of Application No. 10/568,469. The Application Data Sheet also indicated the instant application is a continuation of Application No. 10/568,469.

The transmittal paper stated, "The application includes 1 page of abstract, 11 pages of specification, 2 pages of claims, and a copy of the executed Declaration for Patent Application from prior application Serial No. 10/568,649."

The papers filed in the instant application on September 10, 2008, failed to include the 1 page of abstract, 11 pages of specification, and 2 pages of claims from Application No. 10/568.649.

The Office of Patent Examination Processing mailed a "Notice of Incomplete Nonprovisional Application" on September 25, 2008. The Notice stated a specification did not appear to be part

of the application as filed and that a filing date would not be accorded until a specification was submitted.

The instant petition was filed September 26, 2008.

Petitioner has supplied an amendment to add the inadvertently omitted papers. The Remarks section of the amendment states, "Applicants enclose the inadvertently omitted specification, claim and abstract."

The petition states, "The specification is identical to and claims priority to the parent application, U.S.S.N. 10/568,649." The Office interprets petitioner's comment to be an indication all fourteen pages of specification, including the one-page abstract and two pages of claims, are a true and exact copy of the submitted in the parent application. If this is not the case, then petitioner must notify the Office. Of course, the primary examiner is expected to compare the instant specification to the disclosure of the parent application in order to verify that the entire specification is, in fact, parts of the disclosure of the prior application.

Petitioner requests the amendment be entered and the application be accorded a filing date of September 10, 2008.

For applications filed on or after September 21, 2004, one may add inadvertently omitted material needed for a filing date to an application and be accorded a filing date as of the original date of deposit of the application paper upon the filing of a grantable petition under 37 CFR 1.57(a)(3).

In order to obtain relief under 37 CFR 1.57(a)(3), one must,

(1) submit the petition fee set forth in 37 CFR 1.17(f),
(2) demonstrate the originally filed application papers included a claim for priority under 37 CFR 1.55 or 37 CFR 1.78,
(3) identify where the inadvertently omitted material can be found in a prior-filed application,
(4) demonstrate the omitted material is "completely contained" in a prior application,
(5) file an amendment to add the inadvertently omitted material,
(6) supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111,
(7) supply an English language translation of any prior-filed application that is in a language other than English, and
(8) comply with the time requirements set forth in 37 CFR 1.57(g).

Petitioner has satisfied the requirements set forth above.

The Office of Patent Examination Processing will be informed of the instant decision and will process the application with a filing date of September 10, 2008, using the papers filed on September 10, 2008, and the fourteen pages of specification, including a one-page abstract and two pages of claims, filed September 26, 2008.

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

Anthony Knight
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

STRASBURGER & PRICE, LLP
ATTN: IP SECTION
1401 MCKINNEY
SUITE 2200
HOUSTON TX 77010

In re Application of	:	
Paul H. Kelley	:	
Application No. 12/207,913	:	DECISION GRANTING PETITION
Filed: September 10, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 18175.0117	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed November 18, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/993,706, filed September 14, 2007, as set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

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

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional Application No. 60/993,706 filed on September 14, 2007, as required by 37 1.78(a)(5)(iii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR

1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the above-noted, prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

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

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

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Any other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 2837 for appropriate action on the amendment submitted November 18, 2009, including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed provisional Application No. 60/993,706 filed September 14, 2007.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/207,913	09/10/2008	2837	1010	18175.0117	43	2

CONFIRMATION NO. 1586

CORRECTED FILING RECEIPT

OC000000039974283

64304
STRASBURGER & PRICE, LLP
ATTN: IP SECTION
1401 MCKINNEY
SUITE 2200
HOUSTON, TX 77010

Date Mailed: 02/02/2010

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

Applicant(s)

Paul H. Kelley, Boca Raton, FL;

Power of Attorney: The patent practitioners associated with Customer Number 64304

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/135,402 07/21/2008
and claims benefit of 60/993,706 09/14/2007

Foreign Applications

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

If Required, Foreign Filing License Granted: 10/01/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/207,913**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

MOTOR CONTROLLER SYSTEM AND METHOD FOR MAXIMIZING ENERGY SAVINGS

Preliminary Class

318

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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

COPY MAILED

JAN 04 2010

In re Application of	:	
Takashi Hattori et al	:	
Application No. 12/207,958	:	DECISION DISMISSING PETITION
Filed: September 10, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1270.45867CX1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 23, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition did not get to the proper deciding official in time to process the petition prior to the patent issue. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the $810 filing fee and the $130 petition fee submitted are unnecessary and will be refunded in due course.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. *See* 37 CFR 1.97(i).

The Office sincerely apologizes for any inconvenience caused petitioner in this matter.

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

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 01/04/10

2 Serial/Patent # 12/207,958

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
X	Petition 1464		12/23/09	$ 130.00
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
X	Other 1801		12/23/09	$ 810.00

7 TOTAL AMOUNT OF REFUND $ 940.00

8 TO BE REFUNDED BY:

	Treasury Check
	Credit Deposit A/C #:

9 [ ][ ]--[ ][ ][ ][ ]

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

CREDIT CARD PAYMENT. The pet is dismissed as moot. The petition did not reach the proper deciding offical in time to process the petition prior to the patent issue.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Irvin Dingle TITLE: Paralegal

SIGNATURE: /Irvin Dingle/ PHONE: 2-3210

OFFICE: Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: Kd DATE: 1/5/10

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

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

1270.45867CX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	T. HATTORI, et al.
Application No:	12/207,958
Filed:	SEPTEMBER 10, 2008
For:	POSITIVE PHOTOSENSITIVE RESIN COMPOSITION, METHOD FOR FORMING PATTERN, AND ELECTRONIC PART
Group AU:	1795
Examiner:	John S. Y. Chu
Confirm. No:	1678
Allowed:	**AUGUST 18, 2009**
Issue Fee Paid:	**NOVEMBER 16, 2009**
Issue Date:	**DECEMBER 29, 2009**
Patent No.:	**7,638,254**

PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR 1.313(c)(2)

Mail Stop: 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 23, 2009

Sir:

Applicants respectfully petition the Commissioner, under 37 CFR 1.313(a) and pursuant to 37 CFR 1.313(c)(2), to withdraw the above-identified application from issue, after payment of the Issue Fee on November 16, 2009. This Petition is being filed concurrently with a Request for Continued Examination and necessary Submission, in order to have the Examiner consider the Submission filed concurrently herewith.

This concurrently filed Submission is an Information Disclosure Statement under 37 CFR 1.97 and 1.98 (IDS).

As Applicants became aware of the documents fiuled with the above-mentioned IDS on November 20, 2009, after payment of the Issue Fee, the "good

Adjustment date: 01/05/2010 LDIEP1
12/24/2009 INTEFSW 00003440 12207958
01 FC:1464 -130.00 OP
02 FC:1801 -810.00 OP

Refund Ref:
01/05/2010 0030078402
Credit Card Refund Total: $940.00

and sufficient" reasons why withdrawal from issue is necessary is to permit consideration of these documents filed with the enclosed IDS, prior to issuance of a U.S. patent from the above-identified application.

Also submitted with this Petition is the necessary fee under 37 CFR 1.17(h). See 37 CFR 1.313(a).

Granting of this Petition, and withdrawal of the above-identified application from issue, in due course, for consideration of the aforementioned Request for Continued Examination and of the aforementioned Submission, is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (case 1270.45867CX1), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By **/William I. Solomon/**
William I. Solomon
Registration No. 28,565

WIS/ksh
1300 17th Street N., Suite 1800
Arlington, Virginia 22209
Tel: 703-312-6600
Fax: 703-312-6666

UNITED STATES PATENT AND TRADEMARK OFFICE

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500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

8/26/09

In re Application of:
BATENBURG, GREG et al
Serial No. 12/208,020
Filed: Sep. 10, 2009
Docket: 19783US01
Title: METHOD AND APPARATUS FOR OPERATING A DUAL FUEL INTERNAL COMBUSTION ENGINE

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 23, 2009 to make the above-identified application special. The required petition fee under 37 CFR 1.17(h) was paid.

The request and petition are **MOOT**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO application(s) 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 CIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the CIPO application(s) containing the allowable/patentable claim(s) 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 CIPO examiner in the CIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program does not comply with Item #4 because the application has been allowed by the examiner on August 5, 2009. The petition is therefore moot.

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

/Henry C. Yuen/

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

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 06/03/2010

Applicant	: Greg Batenburg	: DECISION ON REQUEST FOR
Patent Number	: 7627416	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/208,020	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/10/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Takashi Shimizu, et al.	:	
Application No. 12/208,021	:	DECISION GRANTING PETITION
Filed: September 10, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 082117	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 28, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 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 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

8/26/09

In re Application of:
BATENBURG, GREG et al
Serial No. 12/208,044
Filed: Sep. 10, 2008
Docket: 19784US01
Title: METHOD OF ACCURATELY METERING A GASEOUS FUEL THAT IS INJECTED DIRECTLY INTO A COMBUSTION CHAMBER OF AN INTERNAL COMBUSTION ENGINE

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 27, 2009 to make the above-identified application special. The required petition fee under 37 CFR 1.17(h) was charged to the deposit account as authorized.

The request and petition are **granted**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO application(s) 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 CIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the CIPO application(s) containing the allowable/patentable claim(s) 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 CIPO examiner in the CIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

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

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

All other inquiries concerning the examination or status of the application should be directed to Steve Cronin, SPE of Art Unit 3747, 571-272-4536.

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

/Henry C. Yuen/

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

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ROSSI, KIMMS & MCDOWELL LLP.
20609 GORDON PARK SQUARE, SUITE 150
ASHBURN, VA 20147

MAILED

JUN 10 2010

OFFICE OF PETITIONS

In re Application of
Shinya Kudo
Application No. 12/208,059
Filed: September 10, 2008
Attorney Docket No.: CANO-0795

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed March 29, 2010.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before March 16, 2010, as required by the Notice of Allowance and Fee(s) Due mailed December 16, 2009. The issue and publication fees were paid on March 17, 2010. A Notice of Abandonment was subsequently mailed on April 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,510 issue fee and $300 publication fee; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

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

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAR 1 0 2009

OFFICE OF PETITIONS

In re Application of
Valerio Abate et al.
Application No. 12/208,104
Filed: September 10, 2008
Attorney Docket No. **ABATE4**

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

This decision is in response to the petition filed February 24, 2009 under 37 CFR 1.47(a).

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

The above-identified application was filed on September 10, 2008, without an executed oath or declaration. A Notice to File Missing Parts was mailed September 24, 2008 and in response, *inter alia*, an oath or declaration and a three month extension of time, signed by all joint inventors except joint inventor Abate, was filed with the instant petition under 37 CFR 1.47(a). Petitioners seek status under 37 CFR 1.47 claiming that joint inventor Abate refuses to join in the application.

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

The petition bears proof that the application papers were forwarded to and received by joint inventor Abate and that to date, he has not returned an executed copy of the oath or declaration.

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

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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.
12/208,127	09/10/2008	Jason Bootsma	P184 1050.1	2023

26158 7590 09/04/2009
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING
P.O. BOX 7037
ATLANTA, GA 30357-0037

EXAMINER

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
09/04/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CST

SEP 04 2009

In re application of	:	
Jason Bootsma	:	
Serial No. 12/208,127	:	DECISION
Filed: September 10, 2008	:	ON PETITION
For: OIL COMPOSITION AND METHOD	:	
OF RECOVERING THE SAME	:	

This is a decision on the REQUEST TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed August 12, 2009 and the subsequent request to withdraw the REQUEST TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed September 2, 2009.

As a request to withdraw the request to convert the nonprovisional application to a provisional has been filed on September 2, 2009, the initial request of August 12, 2009 is dismissed.

The petition is therefore **DISMISSED.**

/ 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.
12/208,142	09/10/2008	Wei Shi	M-17443 US	2057

32605 7590 02/20/2010
Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

EXAMINER
PATEL, NIMESHKUMAR D

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
02/20/2010	PAPER

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

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

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

In re Application of	:	
Wei SHI	:	DECISION ON PETITION
Application No. 12/208,142	:	TO MAKE SPECIAL UNDER
Filed: 10 September 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. M-17443 US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 21 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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HENNEMAN & ASSOCIATES, PLC
70 N. MAIN ST.
THREE RIVERS MI 49093

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SEP 08 2009

OFFICE OF PETITIONS

In re Application of
Charles Moore
Application No. 12/208,152
Filed: September 10, 2008
Attorney Docket No. 0057-065

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(b)

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

The petition is **DISMISSED**.

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

A review of the record shows that the petition filed on March 20, 2009 has not been properly signed. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

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

The petition presented has been signed by the purported assignee. However, a review of the record shows that the requirements of 37 CFR 3.71 and 3.73(b) have not been met. The documents provided to establish that the above-identified application was assigned are not sufficient to establish the petition has been by the assignee of the application. The assignment

must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant.

Further, review of the record confirms that only the transmittal letter has been executed by a registered attorney

Therefore, the merits of the petition have **not** been treated.

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 Window, Mail Stop PETITIONS
401 Dulany Street
Alexandria, VA 22314

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

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THREE RIVERS MI 49093

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JUN 18 2010

OFFICE OF PETITIONS

In re Application of
Charles Moore
Application No. 12/208,152
Filed: September 10, 2008
Attorney Docket No. 0057-065

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(b)

This is in response to the renewed "Petition Under 37 CFR 1.47(b), filed March 8, 2010.

The petition is **DISMISSED**.

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

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

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

Applicant lacks item(s) (5) set forth above.

As to item (5), when an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application. If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324).

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If

an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (non-signing inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

In the instant application, petitioner has not provided sufficient evidence by which the Office can make a finding that rule 47 applicant has sufficient proprietary interest in the instant application. Petitioner has provided a redacted copy of the Commercialization Agreement as amended by Amendment Number One dated March 20, 2007. Petitioner contends that the documents establish that non-signing inventor Moore assigned his interest in the "Array Program", which includes the subject matter of application no. 12/208,152, to Technology Properties Limited ("TPL") The documents and the statement provided by F. Eric Saunders do not establish that the above-identified application's subject matter is included under the Commercialization Agreement or Amendment Number One.

On renewed petition, petitioner should provide a legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

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

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

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SHELL OIL COMPANY
P O BOX 2463
HOUSTON TX 77252-2463

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APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Kevin Brian Kenny	:	
Application No. 12/208178	:	ON PETITION
Deposited: 09/10/2008	:	
Attorney Docket No. TH2954 (US)	:	

This is in response to the "PETITION UNDER 37 CFR 1.57(a)" filed on March 5, 2009, requesting that the above-referenced application be accorded a filing date of September 10, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1]. This is also a decision on the petition filed on March 5, 2009, under 37 CFR 1.137(b)

PETITION TO ACCORD FILING DATE

Application papers in the above-identified application were deposited on September 10, 2008. However, on September 25, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

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

[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.

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

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

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," 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 September 10, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

PETITION UNDER 37 CFR 1.137(b)

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT** because the application was never abandoned. As the application was not entitled to a filing date as of the date of deposit because it was incomplete, it could not become abandoned. As such, the petition under 37 CFR 1.137(b) is unnecessary and will be dismissed as moot.

As the petition is unnecessary, the petition fee under 37 CFR 1.137(b) is also being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to September 10, 2008**;

- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Entry of the amendment filed March 5, 2009 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

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Morrison & Foerster, LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

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APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Matthew B. Seefeldt et al.	:	
Application No. 12/208,193	:	DECISION ON
Filed: September 10, 2008	:	PETITION TO WITHDRAW
Attorney Docket No. 559352001100	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 13, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Gladys H. Monroy on behalf of attorney/agents associated with customer number 25226. All attorneys/agents associated with customer number 25226.

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

The correspondence address will remain the same since no change of address was provided on the request.

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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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SEP 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Urssens et al.	:	Decision Noting Joinder of Inventor and
Application No. 12/208,210	:	Decision Dismissing Any Request for
Filed: September 10, 2008	:	Status Under 37 CFR 1.47 as Moot
Attorney Docket No. 027698-000100US	:	

This is in response to the petition under 37 CFR 1.47(b) filed April 29, 2009, and supplemented July 28, 2009.

The petition is **dismissed as moot**.

An unsigned declaration was filed September 10, 2008.

A petition under 37 CFR 1.47(b) was filed April 29, 2009. A new copy of a declaration was not filed with the petition.

A declaration signed by both inventors was filed July 28, 2009.

In view of the joinder of the inventors, consideration under Rule 1.47(b) is unnecessary and the petition is dismissed as moot.

The fee for a petition under 37 CFR 1.47 is $200. Petitioner submitted $130. Therefore, an additional fee of $70 is required.

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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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant	: Scott Jeffrey DeBoer	: DECISION ON REQUEST FOR
Patent Number	: 7638436	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/208,218	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/10/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/208,225	09/10/2008	Jae-Ik Kwon	61690/L550	2203

7590 11/03/2009
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
PATEL, NIMESHKUMAR D

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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RAUBVOGEL LAW OFFICE
820 LAKEWVIEW WAY
REDWOOD CITY, CA 94062

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APR 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Brett M. Error, et al.	:	
Application No. 12/208,251	:	DECISION ON PETITION
Filed: September 10, 2008	:	TO WITHDRAW
Attorney Docket No. OMN7762-CON	:	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 4, 2010.

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

A review of the file record indicates that the power of attorney to Raubvogel Law Office has been revoked by the assignee of the patent application on February 22, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **M.H.K.K.G., P.C.**
ADOBE SYSTEMS INCORPORATED
P.O. BOX 398
AUSTIN, TX 78767-0398

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WILSON SONSINI GOODRICH AND ROSATI/
SAPPHIRE ENERGY INC.
650 PAGE MILL RD.
PALO ALTO, CA 94304

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MAR 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Pyle et al.	:	DECISION ON PETITION
Application No. 12/208,264	:	TO WITHDRAW
Filed: September 10, 2008	:	FROM RECORD
Attorney Docket No. 0704US-UTL2	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 30, 2009.

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

A review of the file record indicates that on February 19, 2010 the power of attorney to Wilson Sonsini Goodrich and Rosati/ was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Sapphire Energy
3115 Merryfield Row
San Diego CA 92121

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SCHWEITZER ENGINEERING LABORATORIES, INC.
2350 NE HOPKINS COURT
PULLMAN, WA 99163-5603

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OFFICE OF PETITIONS

In re Application of
Stanley E. **ZOCHOLL, et al.**
Application No. 12/208,272
Filed: September 10, 2008
Attorney Docket No. **08-027**

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 16, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the certification of inventor Stanley E. Zocholl, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-2800.

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

The application is being forwarded to the Technology Center Art Unit 2837 for action on the merits commensurate with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 1 OCT 2008

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD CT 06905-5619

In re Application of	:	
ROBERT *et al*	:	
Application No.: 12/208,386	:	
Filing Date: September 11, 2008	:	DECISION
Atty. Docket No.: 05100-P0001A	:	
For: INSTALLATION FOR CANDLING	:	
EGGS AND OPTOELECTRONIC...	:	

This is a decision on applicants' "PETITION TO REVIVE..." filed in the U.S. Patent and Trademark Office (USPTO) on September 11, 2008. The petition was accompanied by, *inter alia,* a continuing U.S. national application under 35 U.S.C. 111(a). The petition has been treated as requesting that International Application No. PCT/FR2006/02895 be revived for the purposes of continuity with the present national application. The petition is **GRANTED** as discussed below.

International Application No. PCT/FR2006/02895 became abandoned as to the U.S. National Stage on June 23, 2008, for failure to pay the basic national filing fee prior to the expiration of 30 months from the priority date.

A review of the application file reveals that applicants have satisfied the requirements of 37 CFR 1.137(b). The requisite fees have been charged to counsel's deposit account as authorized in the petition.

International application PCT/FR2006/02895 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the continuing application number 12/208,386.

This application is being returned to the Initial Processing Branch for further processing in accordance with this decision, including awaiting applicants' response to the NOTICE TO FILE MISSING PARTS mailed September 24, 2008.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/208,390	09/11/2008	Terry L. Marker	H0017022	2504

EXAMINER

ART UNIT	PAPER NUMBER
1797	

23490 7590 02/03/2010
HONEYWELL/UOP
PATENT SERVICES
101 COLUMBIA DRIVE
P O BOX 2245 MAIL STOP AB/2B
MORRISTOWN, NJ 07962

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.Docketclerk@uop.com
PatentServices-US@Honeywell.com
IP.Docketclerk@Honeywell.com

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FEB 03 2010

HONEYWELL/UOP
PATENT SERVICES
101 COLUMBIA DRIVE
P O BOX 2245 MAIL STOP AB/2B
MORRISTOWN NJ 07962

In re Application of
Marker et al.
Application No. 12/208,390
Filed: 9/11/2008
Attorney Docket No. **H0017022**

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/10/2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face

that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 1.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 44/307.000) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1797 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/208,390	09/11/2008	Terry L. Marker	H0017022	2504

23490 7590 03/17/2010
HONEYWELL/UOP
PATENT SERVICES
101 COLUMBIA DRIVE
P O BOX 2245 MAIL STOP AB/2B
MORRISTOWN, NJ 07962

EXAMINER

ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
03/17/2010	ELECTRONIC

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

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

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

IP.Docketclerk@uop.com
PatentServices-US@Honeywell.com
IP.Docketclerk@Honeywell.com

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HONEYWELL/UOP
PATENT SERVICES
101 COLUMBIA DRIVE
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MORRISTOWN NJ 07962

MAR 17 2010

In re Application of	:	
Marker et al.	:	DECISION ON PETITION
Application No. 12/208,390	:	TO MAKE SPECIAL UNDER
Filed: 9/11/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **H0017022**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 3/4/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition

must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 1.

Applicants arguments regarding the suggested classification have been considered but are not deemed to be persuasive. While applications are routinely cross referenced in multiple related classes/subclasses, the Original classification is determined by the following factors:

1) Hierarchy of categories of subject matter (e.g. method of using claims determine classification over article claims).

2) Superiority of types of subject matter (e.g. chemical subject matter controls over electrical subject matter).

3) Class superiority. All classes in the US Classification system are assigned a relative superiority. This listing of all classes arranged by their relative superiority can be found on the USPTO website on the Classification Home Page under the link entitled "Classes Within the US Classification System Arranged by Related Subjects." Within each class, the highest appropriate subclass will also be used to determine original classification.

Based on the criteria above, the current Original classification is deemed to be appropriate.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1797 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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MICHAEL A. O'NEIL P.C.
8150 NORTH CENTRAL EXPRESSWAY
SUITE 1150
DALLAS TX 75206

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Terry M. ROBERTS, et al	:	
Application No. 12/208,459	:	DECISION ON PETITION
Filed: September 11, 2008	:	TO WITHDRAW
Attorney Docket No. 500840-1002	:	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 8, 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 correspondence address for future communications from the Office is not that of the first named inventor or an assignee who has properly been made of record under 37 CFR 3.71. Please see the attached Statement under 37 CFR 3.73(b).

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

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

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

Attachment: Statement Under 37 CFR 3.73(b) (PTO/SB/96)

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Ward and Smith, P.A.
1001 College Court
P.O. Box 867
New Bern, NC 28563-0867

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OFFICE OF PETITIONS

In re Application of	:	
Axel Aguado Granados et al.	:	
Application No. 12/208,469	:	DECISION ON PETITION
Filed: September 11, 2008	:	TO WITHDRAW
Attorney Docket No. 1342-0046	:	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 **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to E. Eric Mills and all attorneys/agents of record have been revoked by the assignee of the patent application on March 20, 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: IBM-Rochester
c/o Toler Law Group
8500 Bluffstone Cove, Suite A201
Austin, TX 78759

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/208,502	09/11/2008	Ghulam Hasnain	54879	2701

28241 7590 02/22/2010
THE LAW OFFICES OF CALVIN B. WARD
18 CROW CANYON COURT, SUITE 305
SAN RAMON, CA 94583

EXAMINER
GURLEY, LYNNE ANN

ART UNIT	PAPER NUMBER
2811	

MAIL DATE	DELIVERY MODE
02/22/2010	PAPER

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

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

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THE LAW OFFICES OF CALVIN B. WARD
18 CROW CANYON COURT, SUITE 305
SAN RAMON CA 94583

In re Application of	:	
Ghulam HASNAIN	:	DECISION ON PETITION
Application No. 12/208,502	:	TO MAKE SPECIAL UNDER
Filed: 11 September 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 54879	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 20 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 2811 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARTMAN & HARTMAN, P.C.
552 EAST 700 NORTH
VALPARAISO, IN 46383

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JUL 30 2009

OFFICE OF PETITIONS

In re Application of

Elmer B. Wulf
Application No. 12/208,530
Filed: September 11, 2008
Attorney Docket No. A7-2295

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 8, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a certification from counsel that the applicants is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3204.

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 3643 for action on the merits commensurate with this decision.

Sherry D. Brinkley
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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OFFICE OF PETITIONS

WARD AND SMITH, P.A.
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN, NC 28563-0867

In re Application of

AGUADO GRANADOS, Axel et al.
Application No. 12/208,548
Filed: September 11, 2008
Attorney Docket No. **2123**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 23, 2009.

The request is **APPROVED**.

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

The request was signed by E. Eric Mills on behalf of all attorneys of record who are associated with customer No. 74342. All attorneys/agents associated with the Customer Number 74342 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Axel Aguado Granados 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: **AXEL AGUADO GRANADOS**
3873 HUNTINGTON LANE NW
ROCHESTER MN 55901

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DIW Dec-08

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202.

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DEC 08 2008

In re Application of :
Hart et al. : DECISION ON PETITION
Application No. 12/208,553 :
Deposited: September 11, 2008 :
Atty Docket No. Z-4760M :

This is in response to the " PETITION UNDER 37CFR §1.57(a)(3)" filed on October 14, 2008 requesting that the above-identified application be accorded a filing date of September 11 2008.

The petition is **dismissed**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

Application papers in the above-identified application were deposited on September 11, 2008. However, on September 26, 2008, the Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application," notifying applicant the application had not been accorded a filing date because the application was deposited without drawings pursuant to 35 USC 113.

In response, applicant timely filed this petition. Applicant requests that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.78 to a prior filed and co-pending application (60/994,076) in which the inadvertently omitted drawings figures 1-10 are found.

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).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

(3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

It is noted that the application as filed included a claim under 1.78 for the benefit of prior-filed application No. 60/994,076. Thus, pursuant to 1.57, the application as filed is considered to have incorporated by reference the prior filed application as to the inadvertently omitted portion of the specification.

However, for an application filed on or after September 21, 2004, if the material needed for a filing date is completely contained within a prior-filed application to which benefit is claimed, applicant may file a petition under 37 CFR 1.57(a)(3) along with the fee set forth in 37 CFR 1.17(f) and an amendment with the inadvertently omitted material requesting that the amendment be entered and the application be accorded a filing date as of the

original date of deposit of the application papers. See 37 CFR 1.57(a)(3) and MPEP § 201.17.

Petitioner has failed to provide a formal amendment seeking the entry of the drawings pursuant to 37 CFR 1.57(a)(1) and 37 CFR 1.121. Accordingly the petition is **DISMISSED**.

A review of the drawings submitted on petition shows that the drawings are not the same drawings located in application No. 60/994,076. A comparison of the drawings submitted on petition versus the drawings in application no. 60/994,076 shows there were only 8 pages of drawings in application no. 60/994,076. The drawings provided must be the same drawings and comply with 37 CFR 1.121(d).

On renewed petition, petitioner must submit a formal amendment compliant with 37 CFR 1.57(a) and 37 CFR 121 seeking entry of the drawings. See MPEP § 201.17.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries specific to this decision should be directed to Petitions Attorney Charlema R. Grant at 571.272.3215.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

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JAN 21 2009

In re Application of	:	
Hart et al.	:	DECISION ON PETITION
Application No. 12/208,553	:	
Deposited: September 11, 2008	:	
Atty Docket No. Z-4760M	:	

This is in response to the renewed " PETITION UNDER 37CFR §1.57(a)(3)" filed on January 6, 2009 requesting that the above-identified application be accorded a filing date of September 11 2008.

The petition is **Granted**.

Application papers in the above-identified application were deposited on September 11, 2008. However, on September 26, 2008, the Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application," notifying applicant the application had not been accorded a filing date because the application was deposited without drawings pursuant to 35 USC 113. A petition under 37 CFR 1.57 was dismissed on December 8, 2008.

In response, applicant timely filed this petition. Applicant requests that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.78 to a prior filed and co-pending application (60/994,076) in which the inadvertently omitted drawings figures 1-10 are found.

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).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

(3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

It is noted that the application as filed included a claim under 1.78 for the benefit of prior-filed application No. 60/994,076. Thus, pursuant to 1.57, the application as filed is considered to have incorporated by reference the prior filed application as to the inadvertently omitted drawings.

The instant petition includes a copy of the prior-filed application, and an identification of where the inadvertently omitted portions of the specification may be found in the prior-filed application, along with the necessary petition fee.

In view thereof, the petition is **GRANTED** to the extent indicated above.

The application is being forwarded to the Office of Patent Application Processing for **according of a filing date of September 11, 2008**, using the application papers received in the Office on that date and the drawings submitted on renewed petition filed January 6, 2009, and for indication in the records of the Office that the application contains eight (8) sheet of drawings.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Charlema R. Grant at 571.272.3215.

Anthony Knight
Supervisor
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/208,640	09/11/2008	Mehul Shah	RPS920080212US1	2944

82294 7590 03/05/2009
IBM CORPORATION (ACCSP)
c/o Suiter Swantz pc llo
14301 FNB Parkway, Suite 220
Omaha, NE 68154

EXAMINER
RINEHART, MARK H

ART UNIT	PAPER NUMBER
2111	

MAIL DATE	DELIVERY MODE
03/05/2009	PAPER

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

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

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IBM CORPORATION (ACCSP)
c/o SUITER SWANTZ pc llo
14301 FNB PARKWAY, Suite 220
OMAHA, NE 68154

2/27/09

In re Application of: SHAH, et al.
Serial No.: 12/208,640
Filed: September 11, 2008
Docket: RPS920080212US1
Title: MANAGING PCI-EXPRESS MAX PAYLOAD SIZE FOR LEGACY OPERATING SYSTEMS

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

This is a decision on the petition filed on September 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 **DISMISSED**.

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees that the dependent claims will be grouped together with and not to separately argue the patentability of any independent claim from which they depend during any appeal in the application;

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I. 1-4 & II. 1-5.1, 6.1-6.4 & 6.6 above are considered to have been met. However, the petition fails to comply with conditions II. 5.2 - 5.3 & 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items 5.2 - 5.3 above, the preexam search must be directed to the (instant) claimed invention and encompass all of the disclosed features of the (instant) claims.

Specifically and with respect to items 5.2 - 5.3 above, a classification search in the original classification area of the instant application is required. The following search area should have been searched:
US Class **370** (MULTIPLEX COMMUNICATION), Subclasses 395.21 and 395.41.

In addition, the following text search and text search strategy is presented for consideration:
The following search should be conducted with plurals on:
(payload or (packet near3 size) or mps) and (pci near express or pci adj e).

PCI-E is a common way of saying PCI express, so the term PCI-E should have been included as a synonym in the search. Further, Applicants use of SAME greatly restricted it to only patents that had the payload size in the same paragraph as PCI express which deletes relevant art from consideration.

A query that should yield pertinent art is:
(maxim$5 optim$5) adj ((length adj packet$1) (payload adj size$1)) and ((pci-e) (pcie) (pci)adj (express)).

Another search to consider is:
L1 max adj payload
L2 pcie or (pci adj express)
L3 1 same 2
L4 latency near3 bandwidth
L5 1 and 4
L6 mps same 2

Note that while packet size isn't always the payload it often is. A complete search should have collected the patents that read packet size or size of the packet to evaluate.

Further limiting the search to:
(size near3 data adj packet) would help to focus results, since the size of the data packet is the payload. Possible expansion of the search to include "amount of data" such as (amount near3 data) in the same paragraph as packet could be done to complete this field of search.

An EAST search using (payload or (packet near3 size) or mps) same (pci near express or pci adj e) yields 186 patents that may be relevant due to the breadth of the claims presented. Note the follow U.S. Patents in particular: 7,340,555 which has a parameter that specifies the "length of the data payload"; 7,353,301 which has a parameter that specifies the "maximum payload"; 7,096,310 that specifies the "payload length"; and 20080263246A1 (pre-grant publication). Finally, U.S. 6,977,939 determines the

[1] MPEP 8th ed. rev 5 August 2006

optimum packet size for an ethernet link based upon bandwidth requirements which should be considered with regard to the claims.

Finally, please note the following suggested search:
(optimum or best or most efficient) near6 ((packet near3 size) or payload)

Since the above search yields over 500 patents it should be AND'ed with "PCI express" which yields 7 patent documents to consider including U.S. publication 2007/0088873 which discloses calculating an optimum value for the payload size of a packet based upon the header overhead and the path delay.

Thus, the petition does not meet the conditions II. 5.2 and 5.3 above.

The additional search areas and search recommendations were confirmed with and recommended by a (primary) examiner in the pertinent art area.

With respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, Petitioner fails to identify where each limitation <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 for the claimed limitations is found in the disclosure. 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**. In particular, a review of referenced "page 4, para. [0010] and Fig. 1" disclosure does not appear to provide support for the claimed limitation "A method for balancing latency versus bandwidth trade-offs in packet transmission utilizing PCI-Express" (lines 1-2). It is pointed out that the written description requirement has several policy objectives. The essential goal of the description of the invention requirement is to clearly convey the information that an

applicant has invented the subject matter which is claimed. Another objective is to put the examiner in possession of what the applicant claims as the invention – the written description requirement implements the principle that a patent application must describe the technology that is sought to be patented; the requirement serves both to satisfy the inventor's obligation to disclose the technologic knowledge upon which the application is based and to demonstrate that the applicants were in possession of the invention that is claimed. Further, the written description requirement promotes the progress of expedite examination by ensuring that applicants adequately describe their inventions in sufficient detail in their applications in exchange for the right to take-up out of order of examination. Thus, a general statement that all limitations of claim(s) can be found by pointing to the specification having a verbatim of the claim language cannot be accepted to satisfy such a requirement of MPEP § 708.02(a)(I.)(I)(5) and item II. 6.5 above.

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 6.5 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.
12/208,640	09/11/2008	Mehul Shah	RPS920080212US1	2944

82294 7590 05/04/2009
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EXAMINER
RINEHART, MARK H

ART UNIT	PAPER NUMBER
2111	

MAIL DATE	DELIVERY MODE
05/04/2009	PAPER

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

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IBM CORPORATION (ACCSP)
c/o SUITER SWANTZ PC LLO
14301 FNB PARKWAY, SUITE 220
OMAHA, NE 68154

04/29/09

In re application of:	:	**DECISION ON RENEWED**
SHAH, et al.	:	**PETITION TO MAKE SPECIAL**
Application No.: 12/208,640	:	**FOR NEW APPLICATION**
Filed: September 11, 2008	:	**UNDER 37 CFR 1.102**
For: MANAGING PCI-EXPRESS MAY PAYLOAD SIZE FOR LEGACY OPERATING SYSTEMS		

This is a decision on the renewed petition filed on April 6, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on September 11, 2008. That petition was dismissed in a decision mailed March 5, 2009 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

In the decision mailed March 5, 2009, the reasons for the dismissal were identified to be inadequate preexamination search and an inadequate support document (conditions II 5.2, 5.3 and 6.5 identified below).

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that

corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

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

REVIEW OF FACTS

The conditions I. 1-4, II. 1-4, 5, 5.1, 6.1, 6.2-6.4 and 6.6 above are considered to have been met. However, the renewed petition fails to comply with condition **II. 5.2, 5.3 and 6.5 above**. Therefore, the renewed petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

With respect to the renewed support document and with regard to the requirement of MPEP § 708.02(a)(I)(H)(2-3) and items 5.2 and 5.3 above, the renewed petition fails to address and/or consider pertinent references as identified on pages 3 and 4 of the March 5, 2009 decision i.e. "Note the following U.S. Patents in particular: ... 7,353,301; 7,096,310; 20080263246A1; ... and 2007/0088873", which disclose particular features that are pertinent to the instant claim limitations. Petitioner neither cited nor commented on these four identified references.

Further, the following two recommended text searches were not indicated to have been performed (nor commented on) in the renewed petition filed April 6, 2009:

Further limiting the search to (size near3 data adj packet) would help to focus results, since the size of the data packet is the payload. Possible expansion of the search to include "amount of data" such as (amount near3 data) in the same paragraph as packet could be done to complete this field of search.

Finally, please note the following suggested search:
(optimum or best or most efficient) near6 ((packet near3 size) or payload) is an additonal search which yields pertinent references.

Since the above search yields over 500 patents it should be AND'ed with "PCI express" which yields 7 patent documents to consider including 2007/0088873 which discloses calculating an optimum value for the payload size of a packet based upon the header overhead and the path delay

With respect to the renewed support document and with regard to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above and as stated in the earlier decision, a review of page 4, paragraph [0010] and Fig. 1 of the instant specification does not appear to provide clear support of all of the claim 1 limitations, including **the preamble** (lines 1-2 of claim 1) and in addition, support for this limitation was **not further addressed** by Petitioner in the renewed petition.

For these reasons, the petition does not meet the requirement of MPEP § 708.02(a).

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

Petitioner is reminded that a single opportunity to perfect the original petition filed September 11, 2008 was given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

Brian L. Johnson
Quality Assurance Specialist, WG 2110
Technology Center 2100
Computer Architecture, Software and Information Security

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C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH, VA 22042

MAILED

FEB 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey L. Bolding	:	
Application No. 12/208,646	:	DECISION ON PETITION
Filed: September 11, 2008	:	TO WITHDRAW
Attorney Docket No. 10286.0460.NPUS01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 23, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

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

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

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

Attachment: Blank copy of the PTO/SB/83

cc: MR. REXFORD A. JOHNSON
ZARIAN, MIDGLEY & JOHNSON, PLLC
UNIVERSITY PLAZA
960 BROADWAY AVENUE
SUITE 250
BOISE, ID 83706

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ZARIAN MIDGLEY & JOHNSON PLLC
UNIVERSITY PLAZA
960 BROADWAY AVE., SUITE 250
BOISE, ID 83706

MAILED

APR 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey L. Bolding	:	
Application No. 12/208,646	:	DECISION ON REQUEST FOR
Filed: September 11, 2008	:	REVOCATION OF POWER
Attorney Docket No. P807-1587A-US	:	OF ATTORNEY
	:	

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed February 25, 2009.

The request is **NOT APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The request cannot be approved because the statement under 3.73(b) is not proper or no statement under 3.73(b) was filed.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

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

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

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APR 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey L. Bolding	:	
Application No. 12/208,646	:	DECISION ON PETITION
Filed: September 11, 2008	:	TO WITHDRAW
Attorney Docket No. 10286.0460.CPUS02	:	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 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. 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 Jade O. Laye on behalf of all attorneys of record who are associated with customer No. 71676. All attorneys/agents associated with the Customer Number 71676 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of

the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

cc: JEFFREY L. BOLDING
5319 FM 2204
KILGORE, TX 75662

cc: REXFORD A. JOHNSON, ESQ.
ZARIAN. MIDGLEY & JOHNSON, PLLC
UNIVERSITY PLAZA
960 BROADWAY AVENUE
SUITE 250
BOISE, ID 83706

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/208,646	09/11/2008	Jeffrey L. Bolding	10286.0460.CPUS02

CONFIRMATION NO. 2955

POWER OF ATTORNEY NOTICE

71676
HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE , Suite 200
FALLS CHURCH, VA 22042

OC000000035274390

Date Mailed: 04/01/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/02/2009.

- 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/208,681	09/11/2008	Tomoyasu Ishikawa	Q109329	3039

23373 7590 05/27/2010
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
YE, LIN

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
05/27/2010	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
ISHIKAWA, TOMOYASU	:	DECISION ON REQUEST TO
Application No. 12/208,681	:	PARTICIPATE IN PATENT
Filed: September 11, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **Q109329**	:	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 2, 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

02

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/208,683	09/11/2008	Gregory W. Alexander	AUS920080384US1	3042

78038 7590 03/26/2009
LEVEQUE INTELLECTUAL PROPERTY LAW, P.C.
221 E. CHURCH STREET
FREDERICK, MD 21701

EXAMINER
CHAN, EDDIE P

ART UNIT	PAPER NUMBER
2183	

MAIL DATE	DELIVERY MODE
03/26/2009	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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LEVEQUE INTELLECTUAL PROPERTY LAW, P.C.
221 E. CHURCH STREET
FREDERICK MD 21701

In re Application of: ALEXANDER et al.	:	
Serial No.: 12/208,683	:	DECISION ON PETITION TO
Filed: September 11, 2008	:	MAKE SPECIAL FOR NEW
Docket: AUS920080384US1	:	APPLICATION UNDER 37
Title: DUAL-ISSUANCE OF MICROPROCESSOR	:	C.F.R. § 1.102 & M.P.E.P. §
INSTRUCTIONS USING DUAL	:	708.02
DEPENDENCY MATRICES	:	

This is a decision on the petition filed on September 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 **DISMISSED**.

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I.1 – I.4, II.1 – II.5, II.6.1, II.6.3, II.6.4, II.6.5, and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.6.2 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and **item 6.2** above, the Accelerated Examination support Document only provides a general discussion of the references that were cited to be pertinent to the claimed invention. Petitioner should provide a claim-by-claim mapping of the pertinent subject matter disclosed in each of the references, specifically identifying each claim limitation and corresponding disclosure within the reference, citing to specific relevant portions of each reference. **Any reference which teaches any portion of the limitation must be so identified even if the reference does not teach the entirety of the limitation.** Note that the mapping with regard to the references cited, must correspond to the limitations of the claim(s).

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 each discrete limitation of each one of said presently filed claims is taught (or is not taught) in each one of the cited most closely related references, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - *in order to ensure that no limitation was left out inadvertently*. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time. 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. A chart format specifying a clear and specific identification of each limitation in each claim that are disclosed (or not disclosed) in each reference is suggested. Any reference which teaches any portion of the limitation must be so identified even if the reference does not teach the entirety of the limitation. Petitioner is required to clearly point out claim limitations taught by each of the references.

In addition, petitioner should review the Detailed Explanation of Patentability section in view of changes and clarifications and provide clarifications, as necessary, to ensure compliance with the requirement of MPEP §708.02(a)(I.)(I)(3) and item 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 Mano Padmanabhan, at (571) 272-4210. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

/Mano Padmanabhan/

Mano Padmanabhan,
Quality Assurance Specialist
Technology Center 2100
Computer Architecture, Software and Information Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/208,683	09/11/2008	Gregory W. Alexander	AUS920080384US1	3042

78038 7590 06/01/2009
LEVEQUE INTELLECTUAL PROPERTY LAW, P.C.
221 E. CHURCH STREET
FREDERICK, MD 21701

EXAMINER
CHAN, EDDIE P

ART UNIT	PAPER NUMBER
2183	

MAIL DATE	DELIVERY MODE
06/01/2009	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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LEVEQUE INTELLECTUAL PROPERTY LAW, P.C.
221 E. CHURCH STREET
FREDERICK MD 21701

In re Application of: ALEXANDER et al. Serial No.: 12/208,683 Filed: September 11, 2008 Docket: AUS920080384US1 Title: DUAL-ISSUANCE OF MICROPROCESSOR INSTRUCTIONS USING DUAL DEPENDENCY MATRICES	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 April 22, 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 September 11, 2008, was dismissed in the decision mailed on March 26, 2009, wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

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,
Quality Assurance Specialist
Technology Center 2100
Computer Architecture, Software and Information Security

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KELLEY DRYE & WARREN, LLP
400 ALTLANTIC STREET, 13TH FLOOR
STAMFORD, CT 06901

COPY MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of :
Richard H. SELINFREUND, et al. :
Application No. 12/208,712 :
Filed: September 11, 2008 :
Attorney Docket No. **VTI-7017.3(C)** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Marvin R. Wachs 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 communications from the Office will be directed to the first named signing inventor Richard H. Selinfreund at the address below until otherwise properly notified by the applicant.

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

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

cc: **RICHARD H. SELINFREUND**
1285 MOOSE HILL ROAD
GUILFORD, CT 06437

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WOODARD, EMHARDT, MORIARTY, MCNETT &
HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

MAILED
NOV 27 2009
OFFICE OF PETITIONS

Applicant: Sean Gordon, et al.
Appl. No.: 12/208,736
Filing Date: September 11, 2008
Title: BOWSTRING VIBRATION DAMPENER AND MOUNTING
Attorney Docket No.: 34158-196
Pub. No.: US 2009/0071457 A1
Pub. Date: March 19, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 9, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in the publication wherein the Serial Number to the "CROSS-REFERENCE TO RELATED APPLICATIONS" was not published correctly in the first paragraph of the specification, as Serial No, 60/972,398 is misprinted as 60/972,165.

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 <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 specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). [2] The "failure to include an

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

amendment 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 April 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" 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

---

[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).

Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/208,739	09/11/2008	Kazuyuki OKANO	SUTOSH.257AUS	3135

7590 11/19/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ART UNIT	PAPER NUMBER
2622	

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.

Niomi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref: 11/19/2009 0000076955

Credit Card Refund Total: $510.00

Master Id: XXXXXXXXXXXX5580

Adjustment date: 11/19/2009 NFARMER
09/12/2008 INTEFSW 00000955 12208739
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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BRIAN ROFFE, ESQ.
11 SUNRISE PLAZA, SUITE 303
VALLEY STREAM, NY 11580-6111

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OFFICE OF PETITIONS

In re Application of	:	
David S. BREED, et al	:	
Application No. 12/208,771	:	DECISION ON PETITION
Filed: September 11, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ITI-118	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 8, 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 David S. Breed passport. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to Technology Center Art Unit 3662 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SINORICA, LLC
2275 RESEARCH BLVD.
SUITE 500
ROCKVILLE MD 20850

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SEP 2 2 2009

OFFICE OF PETITIONS

In re Application of :
Lin Lee :
Application No. 12/208,774 : DECISION
Filed: 11 September, 2008 :
Attorney Docket No. TW-GNA-0718 :

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

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

As to the Allegations
of Unintentional Delay

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

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Corrected Application Papers (drawings) mailed on 25 September, 2008, with reply due absent extension of time on or before 25 November, 2008.

The application went abandoned by operation of law after midnight 25 November, 2008.

The Office mailed the Notice of Abandonment on 3 June, 2009.

On 14 August, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), a reply in the form of drawings and made the statement of unintentional delay.

Again, Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

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

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

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

---

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

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As to Allegations of
Unintentional Delay

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

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

CONCLUSION

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

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/208,854	09/11/2008	Tomoaki Tamura	SUTOSH.253AUS	3331

7590 11/06/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
LEVI, DAMEON E

ART UNIT	PAPER NUMBER
2841	

NOTIFICATION DATE	DELIVERY MODE
11/06/2009	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: 11/06/2009 0303007651C

Credit Card Refund Total: $510.00

Master C: XxxXxxXXxxXXX5583

Adjustment date: 11/06/2009 MFARMER
09/12/2008 INTEFSW 00001039 12208854
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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United States Patent and Trademark Office
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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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FEB 01 2010

OFFICE OF PETITIONS

In re Application of	:	
CHueh-Pin Ko et al.	:	
Application No. 12/208,871	:	NOTICE
Filed: September 11, 2008	:	
Attorney Docket No. 63084.000028	:	

This is a notice regarding your request filed November 5, 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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JUL 17 2009

OFFICE OF PETITIONS

LIFE SCIENCE LABORATORIES, INC.
170 N. OBERLIN AVE
UNIT 26
LAKEWOOD NJ 08701

In re Application of	:	
Yochanan R. Bulka	:	
Application No.: 12/208,873	:	ON PETITION
Filed: September 11, 2008	:	
Attorney Docket No:	:	

This is a decision on the petition under 37 CFR §1.137(b), June 17, 2009, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned for failure to respond in a timely manner to the Notice to File Corrected Application Papers mailed October 1, 2008. The notice set a shortened period for reply of two months from its mailing date. No response was received within the allowable period, and the application became abandoned on December 2, 2008. A Notice of Abandonment was mailed June 10, 2009.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

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

The instant petition does not satisfy the requirement of item (1). The Notice to File Corrected Application Papers required petitioner to file a substitute specification that complies with 37 CFR 1.52, 1.21(b)(3) and 1.125. The notice expressly stated that the substitute specification must contain markings to show the changes that were made from the originally filed specification. A preliminary review of the substitute specification filed June 17,2 009, does not reveal any markings that delineate changes contained therein. The renewed petition must be accompanied by a substitute specification that complied with 37 CFR 1.52, 1.21(b)(3) and 1.125.

Additionally, the notice of October 1,2 008, required $315.00 to 3 independent claim fees over 3. The amount paid on June 17, 2009, was short by $15.00. Accordingly, the amount of $15.00 must accompany the renewed petition.

There is no need to pay the petition fee again.

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LIFE SCIENCE LABORATORIES, INC.
170 N. OBERLIN AVE
UNIT 26
LAKEWOOD NJ 08701

In re Application of Yochanan R. Bulka Application No.: 12/208,873 Filed: September 11, 2008 Attorney Docket No:	: : : : :	ON PETITION

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OFFICE OF PETITIONS

This is in response to the renewed petition under 37 CFR 1.137(b) filed July 28, 2009.

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

This application became abandoned for failure to respond in a timely manner to the Notice to File Corrected Application Papers mailed October 1, 2008. The notice set a shortened period for reply of two months from its mailing date. No response was received within the allowable period, and the application became abandoned on December 2, 2008. A Notice of Abandonment was mailed June 10, 2009.

The responses to the Notice to File Corrected Application Papers filed June 17, 2009, and July 28, 2009, are noted.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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CROZET VA 22932-3167

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OFFICE OF PETITIONS

In re Application of
Anthony W. Czarnik
Application No. 12/208,919
Filed: September 11, 2008
Attorney Docket No: PRO-209

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1], filed August 4, 2009, to revive the above-identified application.

The petition is **GRANTED**.

A Restriction Requirement was mailed April 17, 2009 setting a one month shortened statutory period for reply. A REQUEST FOR CONTINUED EXAMINATION (RCE) was filed May 8, 2009 but because prosecution was not closed, a NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE) was mailed May 20, 2009, thus, no proper response or request for an extension of time having been filed in this application prior to the expiration of the time set for reply, this application became abandoned May 19, 2009. Accordingly, a Notice of Abandonment was mailed July 30, 2009.

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuation application under 37 CFR 1.53(b); (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuation in part application no.12/535,068 filed August 4, 2009, pursuant to the provisions of 37 CFR 1.53(b).

This matter is being referred to Technology Center 1793 for processing of the continuation application filed August 4, 2009.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HARSHAW RESEARCH, INC.
210 W. TECUMSEH STREET
OTTAWA KS 66067

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OFFICE OF PETITIONS

In re Application of	:	
George H. MCCLANAHAN, et al	:	
Application No. 12/208,979	:	DECISION ON PETITION
Filed: September 11, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 81576	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 11, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes declaration statements signed by the applicants. Accordingly, the above-identified application has been accorded "special" status.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

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AUG 18 2009

OFFICE OF PETITIONS

In re Application of

BASSIRI, Mansour et al.
Application No. 12/209,002
Filed: September 11, 2008
Attorney Docket No. **092890-0202**

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 15, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Antoinette Konski on behalf of all attorneys of record who are associated with customer No. 38706. All attorneys/agents associated with the Customer Number 37706 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 Mansour Bassiri at the address indicated below.

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **MANSOUR BASSIRI**
14 WOODBRIDGE WAY
NOVATO CA 94949

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

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DEC 0 5 2008

OFFICE OF PETITIONS

In re Application of
Gabor Kaszas
Application No. 12/209,103
Filed: September 11, 2008
Attorney Docket No. 130464.00301

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

This decision is in response to the petition filed November 4, 2008, under 37 CFR 1.47(b), in response to the Notice to File Missing Parts "Notice" mailed September 23, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. 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.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application, naming Gabor Kaszas as the sole inventor, was filed on September 11, 2008 without an executed oath or declaration. Accordingly, on September 23, 2008 , a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring *inter alia* an executed oath or declaration and a surcharge for its late filing. In response, the present petition was filed.

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

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

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

(3) the petition fee;

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

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks items (2) and (6).

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. A declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee. The oath or declaration must be signed by an officer of the corporation (president, vice president, secretary, or treasurer) on behalf of and as agent for the non-signing inventor(s). The officer must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non-signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.[1]

Finally, as to item (6), petitioner must provide proof of irreparable damages in accordance with MPEP 409.03(g).

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: (703) 872-9306

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] MPEP 409.03(b).

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United States Patent and Trademark Office
P.O. Box 1450
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PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
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OFFICE OF PETITIONS

In re Application of	:
Gabor Kaszas	:
Application No. 12/209,103	: DECISION REFUSING STATUS
Filed: September 11, 2008	: UNDER 37 CFR 1.47(b)
Attorney Docket No. 130464.00301	:

This decision is in response to the request for reconsideration filed December 23, 2008, under 37 CFR 1.47(b).

The petition is **GRANTED.**

The above-identified application, naming Gabor Kaszas as the sole inventor, was filed on September 11, 2008 without an executed oath or declaration. Accordingly, on September 23, 2008 , a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring *inter alia* an executed oath or declaration and a surcharge for its late filing. In response, a petition filed November 4, 2008, was dismissed in a decision mailed December 5, 2008 because the petition did not include a properly executed oath or declaration nor did the petition include proof of irreparable damage.

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

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

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

(3) the petition fee;

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

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

In response to the decision dismissing the petition filed November 4, 2008, an oath or declaration executed by Victor Kingsley Choi, Intellectual Property Manager and n authorized representative of LANXESS INC., for the assignee and on behalf of the non-signing inventor, and a statement of irreparable damage has been presented.

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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GABOR KASZAS
1863 BROOKWOOD DRIVE
AKRON, OHIO 44313-5062

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FEB 02 2009

OFFICE OF PETITIONS

In re Application of
Gabor Kaszas
Application No. 12/209,103
Filed: September 11, 2008
For: **METHOD OF PURIFYING BLOCK COPOLYMERS**

Dear Mr. Kaszas:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571/272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
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AUG 10 2009

OFFICE OF PETITIONS

In re Application of

Tong Li WILLIAMS, et al.
Application No. 12/209,104
Filed: September 11, 2008
Attorney Docket No. **2008574-0004**

DECISION ON PETITION TO WITHDRAW FROM RECORD

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

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the registration number (39223) submitted on the request for attorney Fangli Chen is incorrect.

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 571-272-7253.

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

cc: **VASOTECH, INC.**
55 PLAINFIELD AVENUE
SHREWBURY, MA 01545

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SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Tong Li WILLIAMS, et al.	:	
Application No. 12/209,104	:	DECISION ON PETITION TO
Filed: September 11, 2008	:	WITHDRAW FROM RECORD
Attorney Docket No. **2008574-0004**	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 26, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the registration number (39223) submitted is not associated with attorney Fangli Chen as stated in the request. The registration number 39223 is associated with attorney Brenda Jarrell.

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 571-272-7253.

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

cc: **VASOTECH, INC.**
55 PLAINFIELD AVENUE
SHREWBURY, MA 01545

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OFFICE OF PETITIONS

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

In re Application of

Tong Li WILLIAMS, et *al.*
Application No. 12/209,104
Filed: September 11, 2008
Attorney Docket No. **2008574-0004**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Fangli Chen on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

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

cc: **TONG LI WILLIAMS**
61 TANAGER DRIVE
SHREWSBURY, MA 01545

cc: **VASOTECH, INC.**
55 PLAINFIELD AVENUE
SHREWSBURY, MA 01545

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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.
12/209,119	09/11/2008	Tae-Joung Kweon	62338/S1187	3855

7590 11/05/2009
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 11/06/2009 HFARMER
10/29/2008 INTEFSW 00004743 031728 12209119
02 FC:1111 540.00 CR

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

In re Application of	:	
Kaszas, et al.	:	DECISION REFUSING STATUS
Application No. 12/209,122	:	UNDER 37 CFR 1.47(a)
Filed: September 11, 2008	:	
Attorney Docket No. 130464.00401	:	

This is in response to the petition under 37 CFR 1.47(a), filed November 4, 2008.

The petition is **DISMISSED**.

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

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

The petition fails to satisfy requirement (2) set forth above. Petitioners have failed to submit an oath or declaration (including surcharge) in compliance with 37 CFR 1.63 and 1.64. An oath or declaration (and surcharge) in compliance with 37 CFR 1.63 and 1.64, executed by the available inventor(s), should be submitted upon renewed petition. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the available inventor on behalf of himself and the non-signing inventor is REQUIRED. *See* 37 CFR 1.76 and MPEP 409.03(a).

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

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

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

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

Telephone inquiries should be directed to Alesia M. Brown, Petitions Attorney, at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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PEPPER HAMILTON LLP
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500 GRANT STREET
PITTSBURGH PA 15219

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OFFICE OF PETITIONS

In re Application of
Kaszas, et al.
Application No. 12/209,122
Filed: September 11, 2008
Attorney Docket No. 130464.00401

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed December 23, 2008.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. A petition under 37 CFR 1.47(a) was filed November 4, 2008 and dismissed December 8, 2008.

As previously indicated, the petition fails to satisfy requirement (2) set forth above. Petitioners have failed to submit an oath or declaration in compliance with 37 CFR 1.63 and 1.64. An oath or declaration in compliance with 37 CFR 1.63 and 1.64, executed by the available inventor, should be submitted upon renewed petition. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the available inventor on behalf of himself and the non-signing inventor is REQUIRED. *See* 37 CFR 1.76 and MPEP 409.03(a). The signature block of the non-signing inventor should remain blank.

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

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

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

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

Telephone inquiries should be directed to Alesia M. Brown, Petitions Attorney, at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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AUG 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Kaszas, et al.	:	DECISION GRANTING STATUS
Application No. 12/209,122	:	UNDER 37 CFR 1.47(a)
Filed: September 11, 2008	:	
Attorney Docket No. 130464.00401	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed March 30, 2009.

The petition is hereby GRANTED.

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

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

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

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-2305.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Gabor Kaszas
1863 Brookwood Drive
Akron, OH 44313-5062

In re Application of
Kaszas, et al.
Application No. 12/209,122
Filed: September 11, 2008
Attorney Docket No. 130464.00401

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OFFICE OF PETITIONS

Dear Sir:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 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 as per 37 C.F.R. § 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 C.F.R. § 1.63.

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions
571-272-3205

COUNSEL OF RECORD:
PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Allan W. Watts
Bryan Cave LLP
Two North Central Avenue
Suite 2200
Phoenix, AZ 85004-4406

In re Application of:
Lehrman et al.
Serial No.: 12/209,157
Filed: September 11, 2008
Docket: 0223562
For: **Dynamic Personal Privacy System for Internet-Connected Social Networks**

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

This is a decision on the petition filed on September 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 **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, II 5.1, 5.3, II 6.1, II 6.3-6.4 and II 6. 6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2, II 6.2 and II 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of 37 CFR 1.16, the application size fee is missing in the EFS Fee Worksheet dated September 12, 2008 and the foreign priority claim is not proper in the Application Data Sheet 37 CFR 1.76.

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) ((social internet interconnect$3) near3 network) with (privacy near3 (setting control configure$5)) same ((total sum) near3 common near3 (connection link))

2) ((social internet interconnect$3) near3 network) with (privacy near3 (setting control configure$5)) same ((percentage partial part) near3 common near3 (connection link))

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 726 Information Security,** Subclass 28 (Access Control by Authorizing User) and **Class 705 Data Processing: Financial, Business Practice, Management, or**

Cost/Price Determination, Subclass 7 (Operations Research) for subject matter related to allow users to maintain a certain level of control over their privacy. This additional search area was confirmed with an examiner in the pertinent art area.

The examination support document is required to discuss each and every limitation in the claims by specifying where the limitations are disclosed in the cited reference and for the most part that is properly done. However, multiple claims not disclosed by the cited references are not addressed. For example, claim 3 is not disclosed by Galbreath et al. should be clearly specified. Please correct the record with respect to II 6.2 above.

Regarding the requirement of MPEP 708.02(a) (I)(5) and item II 6.5, the examination support document 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.

Petitioner identifies the support for the claimed features by referring to the claim and portion of the written disclosure, (e.g. all of the pending claims is found at least in Figs. 8 and 9 and paragraphs 0026-0032 and 0097-0107), rather each claimed feature referred by corresponding page, line and respective element in the figure (if applicable). Each claim feature is not ***separately identified*** with its corresponding support element (i.e. limitation-by-citation). Petitioner is required to identify each claim limitation(s) and the corresponding support in the cited portions (page, line, and corresponding elements in the figures (if applicable)) where the instant claim language finds corresponding support. This requirement can easily be met by copying and pasting the claims and inserting after each limitation the respective support (page, line, and corresponding elements in the figures (if applicable)). Correction/clarification is required.

Furthermore, the application claims the benefit of provisional application 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 provisional application 61/045,701 in which such support exists. Correction is required.

DECISION

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

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

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

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

Tod R Swann
Quality Assurance Specialist
Technology Center 2400

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,157	09/11/2008	THOMAS DUDLEY LEHRMAN	0223562	3931

46019 7590 02/11/2009
BRYAN CAVE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, AZ 85004

EXAMINER
MOAZZAMI, NASSER G

ART UNIT	PAPER NUMBER
2436	

MAIL DATE	DELIVERY MODE
02/11/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, DC 20231
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Allan W. Watts
Bryan Cave LLP
One Renaissance Square
Two North Central Avenue
Suite 2200
Phoenix, AZ 85004-4406

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TECHNOLOGY CENTER 2100

In re Application of:
Lehrman et al.
Serial No.: 12/209,157
Filed: September 11, 2008
Docket: 0223562
For: **Dynamic Personal Privacy System for Internet-Connected Social Networks**

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

This is a decision on the renewed petition filed on March 11, 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 September 11, 2008 was dismissed in the decision mailed on February 11, 2009.

The petition to make the application special is GRANTED as the statement in the remarks regarding application size fee, the claim amendments for cancelling all dependent claims, the revised Support Document, and Pre-Examination Search Document meet the requirements of condition II 5.2, II 6.2 and II 6.5.

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 claim 1) 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 (QAS), at (571) 272-3612. A second point of contact is QAS Kim Huynh at (571)-272-4147

Tod R Swann
Quality Assurance Specialist
Technology Center 2400
Computer Security, Architecture and Software

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.
12/209,157	09/11/2008	THOMAS DUDLEY LEHRMAN	0223562	3931

46019 7590 03/30/2009
BRYAN CAVE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, AZ 85004

EXAMINER
LOUIE, OSCAR A

ART UNIT	PAPER NUMBER
2436	

MAIL DATE	DELIVERY MODE
03/30/2009	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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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

COPY MAILED

OCT 0 7 2008

OFFICE OF PETITIONS

In re Application of	:	
William J. THOMPSON	:	
Application No. 12/209,161	:	DECISION ON PETITION
Filed: September 11, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 42524.2000	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 23, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

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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ARNOLD INTERNATIONAL
P. O. BOX 129
GREAT FALLS VA 22066-0129

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JUN 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Chikara Yamamoto	:	
Application No. 12/209,182	:	DECISION GRANTING PETITION
Filed: September 11, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 25-294 (DIV-2)	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 9, 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 22, 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 2851 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

Terri Williams
Petitions Examiner
Petitions Examiner

---

[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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NICK TAYLOR
3440 BELL
SUITE 320, #221
AMARILLO, TX 79109

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Marlin Parrish	:	
Application No. 12/209,186	:	DECISION ON PETITION
Filed: September 11, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. MP2005	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 8, 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 back to the Office of Patent Application Processing to await a reply on the Notice of Incomplete Reply (Nonprovisional) (Notice) mailed November 12, 2008. This application will be accorded special once Pre-examination processing is complete.

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

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MAR 02 2010

OFFICE OF PETITIONS

Nixon Peabody, LLP
P.O. Box 60610
Palo Alto, CA 94306

In re Application of	:	
Paul A. Nysen, et. al.	:	DECISION REFUSING STATUS
Application No. 12/209,198	:	UNDER 37 CFR 1.47(a)
Filed: September 1, 2008	:	
Attorney Docket No. 434300-1031	:	

This is in response to the petition under 37 CFR 1.47(a), filed April 27, 2009.

The petition is **dismissed**.

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

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Daniel George Laramie, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate non-signing inventor Daniel Laramie. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Daniel Laramie's personnel records and, if so, what does inspection of the records reveal as to a current

address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventor's last known address. Therefore, at the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr. Laramie's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

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).

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
40I Dulany Street
Alexandria, VA 22314

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

Telephone inquiries should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

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Nixon Peabody, LLP
P.O. Box 60610
Palo Alto, CA 94306

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OFFICE OF PETITIONS

In re Application of	:	
Paul A. Nysen, et. al.	:	DECISION REFUSING STATUS
Application No. 12/209,198	:	UNDER 37 CFR 1.47(a)
Filed: September 1, 2008	:	
Attorney Docket No. 434300-1031	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed April 21, 2010.

Papers filed on April 21, 2010 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed March 2, 2010, included a Declaration signed by a previously non-signing inventor, Daniel George Laramie, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to Technology Center Art Unit 2821 for examination in due course.

Telephone inquiries should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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GREEN GAS SAFETY TECHNOLOGIES (GGST)
C/O MCLAUCHLAN & SIEGELE
POST OFFICE BOX 26780
AUSTIN TX 78755

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JAN 29 2010

In re Application of	:	
MCLAUCHLAN ET AL.	:	DECISION ON PETITION
Application No. 12/209,202	:	TO MAKE SPECIAL UNDER
Filed: September 11, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. GNG P001USC1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 11, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice

before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 1, 2, and 9 above for the reasons as discussed in more detail below.

In regard to item 1, it is noted that this application has been classified in an area (USPC 422/110) 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 2, it is noted that a review of the application claims has been made for the purposes of determining the number of claims contained therein. This application contains more than 3 independent claims and/or more than 20 total claims (i.e., the application contains 21 total claims, five of which claims are independent). As set forth in the Notice, if the application contains more than 3 independent claims or more than 20 total claims, it will not be eligible to participate in the "Pilot Program for Green Technologies Including Greenhouse Gas Reduction."

In regard to item 9, petitioner should note that the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d). As the deposit account 50-3860 listed on the instant petition for charging this fee had insufficient funds, the petition is dismissed.

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

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

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

Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Gay Ann Spahn at 571-272-8011.

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

The application is being forwarded to the Technology Center Art Unit 1797 for action in its regular turn.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

BANNER & WITCOFF, LTD.
28 State Street
Suite 1800
Boston, MA 02109-1701

In re Application of	:	
Sandra A. Olsen	:	
Application No. 12/209,225	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO WITHDRAW
Attorney Docket No. 006997.00003	:	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 30, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Ernest V. Linek 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 Sandra A. Olsen at the address indicated below.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Sandra A. Olsen**
200 Leslie Drive
Hallandale, FL 33009

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/209,225	09/12/2008	Sandra A. Olsen	006997.00003

CONFIRMATION NO. 4082

POWER OF ATTORNEY NOTICE

22910
BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701

OC000000038918908

Date Mailed: 11/23/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/30/2009.

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

/tsjohnson/

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

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101 DYER STREET
5TH FLOOR
PROVIDENCE RI 02903

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AUG 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
DaSilva, Manuel	:	
Application No. 12/209,226	:	DECISION ON PETITION
Filed: September 12, 2008	:	
Attorney Docket No. D43P1474US1	:	

This is a decision on the petition, filed June 24, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice to File Corrected Application Papers (Notice), mailed September 23, 2008, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on June 4, 2009.

Petitioner asserts that the Notice dated September 23, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and

3. a copy of the docket record where the non-received Notice would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact. In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. A petition under 37 CFR 1.181 does not require a petition fee and none has been charged.

This matter is being referred to the technical support staff of the Office of Patent Application Processing (OPAP) for re-mailing the Notice of September 23, 2008. The period for reply will run from the mailing date of the new Notice.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to OPAP or the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ITW)
136 S WISCONSIN ST
PORT WASHINGTON, WI 53074

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OFFICE OF PETITIONS

In re Application of	:	
Anthony V. Salsich et al.	:	
Application No. 12/209,238	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO WITHDRAW
Attorney Docket No. 22075-1-(ITWO:0344)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed June 18, 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 33647 has been revoked by the assignee of the patent application on June 19, 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: FLETCHER YODER (ILLINOIS TOOL WORKS INC.)
P.O. BOX 692289
HOUSTON TX 77269-2289

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

8/26/09

In re Application of:
LIBBUS, IMAD et al
Serial No. 12/209,262
Filed: Sep. 12, 2008
Docket: 026843-000620US
Title: ADHERENT DEVICE FOR CARDIAC RHYTHM MANAGEMENT

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.59(b), filed March 5, 2009 to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that the information submitted in the Information Disclosure Statement filed February 25, 2009 be expunged from the record. In particular, the Information Disclosure Statement (IDS) contains confidential information. The confidential information is contained in the non-patent literature reference listed as citation number *661* of the IDS. Citation No. 661, and also listed as document number 38 in the electronic filing receipt EFS ID 4860449 with a file size of 581742 bytes. The document contains 7 pages and is titled as BioZ Analysis, by Imad Libbus, Corventis, Inc. Petitioner requests this document be expunged from the file.

In the petition, petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee of $200.00 set forth in 37 CFR 1.17(g) has been charged to the attorney's deposit account in accordance with the petition.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time. During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file. Currently, the information has been closed from public view for the remainder of prosecution.

Questions concerning this decision should be directed to Special Programs Examiner Henry C. Yuen at 571-272-4856.

Decision held in ABEYANCE.

Donald T. Hajec, Director
Technology Center 3700

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

4/9/09

In re Application of
LIBBUS, IMAD et al.
Appl. No.: 12/209,279
Filed: Sep. 12, 2008
Atty. Docket No: 026843-000110US
For: MULTI-SENSOR PATIENT MONITOR TO DETECT IMPENDING CARDIAC DECOMPENSATION:

: DECISION ON PETITION
: Under 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed March 5, 2009 to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

In the petition, petitioner alleges that the information submitted in the Information Disclosure Statement of Feb. 24, 2009 in which includes confidential trade secret information that is contained in the non-patent literature reference listed as citation number 661 of the IDS. The Confidential Information was listed as document number 37 in the electronic filing receipt EFS ID 4851977. A review of this non-patent literature document BioZAnalysis by LiBBUS shows the document has a total of 7 pages. In addition, petitioner also requests the cited non-patent literature (7 pages) identified as BioZAnalysis by LiBBUS be expunged.

In the petition, petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee of $200.00 set forth in 37 CFR 1.17(g) has been paid in accordance with the petition.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file. Currently, the information has been closed from public view for the remainder of prosecution.

Questions concerning this decision should be directed to Special Programs Examiner Henry C. Yuen at 571-272-4856.

Decision held in ABEYANCE.

Robert Olszewski, Director
Technology Center 3700

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COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

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APR 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Gopi Venkatesh, et al.	:	
Application No. 12/209,285	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. EURA-093/01US	:	37 CFR 1.102(c)(1)
	:	

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 a statement from the first named inventor declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105

In re Application of	:	
DUER, Reuven	:	
Application No. 12/209,295	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO WITHDRAW
Attorney Docket No. **PLD-002**	:	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 25, 2010.

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

A review of the file record indicates that the power of attorney to GOODWIN PROCTER LLP has been revoked by the assignee of the patent application on March 03, 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 571-272-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **ARNOLD & PORTER LLP**
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON DC 20004-1206

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LATIMER INTELLECTUAL PROPERTY LAW, LLP
P.O. BOX 711200
HERNDON, VA 20171

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JUN 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Paul **CARLIER** et al.	:	
Application No. 12/209,301	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO WITHDRAW
Attorney Docket No. **VTIP-142**	:	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 21, 2010.

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

A review of the file record indicates that the power of attorney to Latimer Intellectual Property Law, LLP has been revoked by the assignee of the patent application on April 22, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **NEW RIVER VALLEY INTELLECTUAL PROPERTY LAW**
P.O. BOX 10944
BLACKSBURG VA 24062

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WESTBOROUGH MA 01581

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OFFICE OF PETITIONS

In re Application of	:
Mathilde Benveniste	:
Application No. 12/209,305	: DECISION REFUSING STATUS
Filed: September 12, 2008	: UNDER 37 CFR 1.47(b)
Attorney Docket No. AVA08-03	:

This decision is in response to the petition filed December 29, 2008, in response to the Notice to File Missing Parts "Notice" mailed September 23, 2008. The petition is treated under 37 CFR 1.47(b).

The petition is **DISMISSED**.

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

The above-identified application was filed on September 12, 2008, without an executed declaration. Accordingly, on September 23, 2008, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the present petition was filed with a request for a two month extension of time. Petitioners seek status under 37 CFR 1.47(b) based on the fact that the inventor has refused to cooperate with the filing of the application.

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

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

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

(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest, and
(6) proof of irreparable damage.

The petition lacks items (1), (2), (4) and (6).

The petition bears proof that Mathilde Benveniste has expressly refused, in writing, to execute the oath or declaration and thus, to cooperate with the filing of the instant application.

The evidence presented however, is not sufficient to show that a copy of the application was sent or given to the non-signing inventor.

Even in view of an express refusal, it is not enough to ask the inventor for their cooperation or ask them to sign the declaration as the request does not rise to the level of a "presentment" of the application, even in view of the reasoning given by the petitioner for not forwarding the application directly to the non-signing inventor at the last known address.

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

Petitioners must also present proof that if after having received the complete application, the non-signing inventors refuse to sign the declaration because before a *bona fide* refusal can be shown, the non-signing inventor must have been given an opportunity to review the application. If there is a written refusal, a copy of the written refusal should be submitted with any renewed petition. If the refusal was made verbally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration filed has been "Respectfully Submitted" by David W. Rulle, Esq but it hasn't been properly executed. A declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee. The oath or

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[1]MPEP 409.03(d).

declaration must be signed by an officer of the corporation (president, vice president, secretary, or treasurer) on behalf of and as agent for the non-signing inventor(s). The officer must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non-signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.[2]

Finally, with regards to item (4), no statement of last known address has been provided and as to item (6), petitioner must provide proof of irreparable damages in accordance with MPEP 409.03(g).

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

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

[2] MPEP 409.03(b).

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OFFICE OF PETITIONS

In re Application of
Mathilde Benveniste
Application No. 12/209,305
Filed: September 12, 2008
Attorney Docket No. AVA08-03

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

This decision is in response to the renewed petition filed April 6, 2009, in response to the Notice to File Missing Parts "Notice" mailed September 23, 2008. The petition is treated under 37 CFR 1.47(b).

The petition is **DISMISSED**.

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

The above-identified application was filed on September 12, 2008, without an executed declaration. Accordingly, on September 23, 2008, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, a petition was filed with a request for a two month extension of time seeking status under 37 CFR 1.47(b) based on the fact that the inventor had refused to cooperate with the filing of the application.

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

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

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

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest, and
(6) proof of irreparable damage.

The petition was dismissed in a decision mailed February 5, 2009 because while it was sufficiently shown that inventor Mathilde Benveniste had expressly refused, in writing, to execute the oath or declaration and thus, to cooperate with the filing of the instant application, the evidence presented was not sufficient to show that a copy of the application was sent or given to the non-signing inventor. Additionally, the petition was dismissed because an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 had not been presented, because no statement of last known address had been provided and because proof of irreparable damages in accordance with MPEP 409.03(g) also had not been provided.

Comes now petitioner with the instant renewed petition. The requirements under items (1), (3), (4), (5) and (6) have been met.

As to item (2) however, an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has still not been presented. The declaration filed has been "Respectfully Submitted" by David W. Rulle, Esq but it hasn't been properly executed. A declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee. The oath or declaration must be signed by an officer of the corporation (president, vice president, secretary, or treasurer) on behalf of and as agent for the non-signing inventor(s). The officer must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non-signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.[1]

The format used, "Respectfully Submitted" is a signature block and which can not serve as an execution of the oath or declaration. Thus the signature of the Attorney of Record, while properly authorized to sign on behalf of the assignee is not properly signed for the inventor pursuant to 37 CFR 1.64 and 1.47(b).

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

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[1] MPEP 409.03(b).

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Mathilde Benveniste
Application No. 12/209,305
Filed: September 12, 2008
Attorney Docket No. AVA08-03

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

This decision is in response to the request for reconsideration under 37 CFR 1.47(b)[1], filed June 1, 2009, in response to the Notice to File Missing Parts "Notice" mailed September 23, 2008 and in response to the decision on petition mailed May 7, 2009.

The petition is **DISMISSED**.

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

The above-identified application was filed on September 12, 2008, without an executed declaration. Accordingly, on September 23, 2008, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, a petition was filed with a request for a two month extension of time seeking status under 37 CFR 1.47(b) based on the fact that the inventor had refused to cooperate with the filing of the application. The petition was dismissed in a decision mailed February 5, 2009 because while it was sufficiently shown that inventor Mathilde Benveniste had expressly refused, in writing, to execute the oath or declaration and

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

thus, to cooperate with the filing of the instant application, the evidence presented was not sufficient to show that a copy of the application was sent or given to the non-signing inventor. Additionally, the petition was dismissed because an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 had not been presented, because no statement of last known address had been provided and because proof of irreparable damages in accordance with MPEP 409.03(g) also had not been provided. A renewed petition was filed April 6, 2009 and while the requirements under items (1), (3), (4), (5) and (6) of 37 CFR 1.47(b) were met, the petition was dismissed in a decision mailed May 7, 2009 because an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 was still not been presented.

In the decision mailed May 7, 2009, petitioner was advised that the declaration filed has been "Respectfully Submitted" by David W. Rulle, Esq but it hasn't been properly executed. A declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee. The oath or declaration must be signed by an officer of the corporation (president, vice president, secretary, or treasurer) on behalf of and as agent for the non-signing inventor(s). The officer must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non-signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.[2]

The format used, "Respectfully Submitted" is a signature block and which can not serve as an execution of the oath or declaration. Thus the signature of the Attorney of Record, while properly authorized to sign on behalf of the assignee is not properly signed for the inventor pursuant to 37 CFR 1.64 and 1.47(b).

With the instant request for reconsideration, petitioner has simply re-submitted the same declaration filed with the December 29, 2008 petition with the "respectfully submitted" signature block.

Petitioner is advised again that status under 37 CFR 1.47(a) cannot be accorded this application until such time as the deficiencies in the declaration have been cured and until the deficiencies have been cured, this application will not proceed to examination.

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

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[2] MPEP 409.03(b).

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

By FAX: (571) 273-8300

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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U.S. STEEL TOWER
600 GRANT STREET, 44TH FLOOR
PITTSBURGH PA 15219

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JUL 21 2009

OFFICE OF PETITIONS

In re Application of	:	
Mehmet C. OZ et al.	:	
Application No. 12/209,336	:	DECISION ON PETITION
Filed: September 12, 2008	:	
Attorney Docket No. **298804-00086 (254918)**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed September 30, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 01, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required abstract; (2) the petition fee of $810.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Corrected Application Papers of September 30, 2008 is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **WILLIAM H. DIPPERT**
ECKERT SEAMANS CHERIN & MELLOTT, LLC
10 BANK STREET
SUITE 1061
WHITE PLAINS, NY 10606

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Calfee Haler & Griswold, LLP
800 Superior Avenue
Suite 1400
Cleveland, OH 44114

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OFFICE OF PETITIONS

In re Application of	:	
Michael Riccardi et al.	:	DECISION ON PETITION
Application No. 12/209,338	:	TO MAKE SPECIAL UNDER
Filed: September 12, 2008	:	37 CFR 1.102(c)(1)
Attorney Docket No. 02946/04915	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 31, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Shelley Clement at (571)272-6052 or in her absence to the undersigned at (571)272-7099.

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

The application is being forwarded to the Technology Center Art Unit 3721 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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TYCO TECHNOLOGY RESOURCES
4550 NEW LINDEN HILL ROAD
SUITE 140
WILMINGTON, DE 19808-2952

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JAN 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Christopher George Daily, et al.	:	
Application No.: 12/209,340	:	ON PETITION
Filed: September 12, 2008	:	
Attorney Docket No.: E-GI-00506/09720-0287	:	

This is a decision on the petition, filed January 8, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 14, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2839 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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Saliwanchik, lloyd & Saliwanchik
A Professional Association
P.O. Box 142950
Gainesville, FL 32614-2950

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In re Application of	:	
Keith L. Doty	:	
Application No. 12/209,363	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. DOY-102	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 12, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a photocopy of applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

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

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

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 3733 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,390	09/12/2008	Kazuchika TASHIMA	331793US26	4422

22850 7590 01/05/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
GIMIE, MAHMOUD

ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
01/05/2010	ELECTRONIC

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

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

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

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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

In re Application of	:	
TASHIMA, KAZUCHIKA	:	DECISION ON REQUEST TO
Application No. 12/209,309	:	PARTICIPATE IN PATENT
Filed: Sep. 12, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 331793US26	:	PILOT PROGRAM AND PETITION
For: FUEL SUPPLY SYSTEM FOR INTERNAL COMBUSTION ENGINE	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 22, 2009, to make the above-identified application special.

The request and petition are granted.

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

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

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

The application is now forwarded and assigned to Examiner Mahmoud Gimie, Art Unit 3474, 571-272-4841 for action on the merits commensurate with this decision.

Telephone inquiries concerning the status of this application should be directed to the Supervisory Patent Examiner, Mr. Steve Cronin, Art Unit 3747 at 571-272-4536.

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

Petition is **granted**.

/Henry C. Yuen/

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

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MEHRMAN LAW OFFICE, P.C.
P.O. Box 420797
ATLANTA, GA 30342

COPY MAILED
DEC 22 2008

In re Application of	:	
PODRAZHANSKY, et al.	:	
Application No. 12/209,412	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **4E09.1-032**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 20, 2008 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the certification by registered attorney Michael J. Mehrman attesting to the age of inventor Yury M. Podrazhansky. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3737 for action on the merits commensurate with this decision.

/Monica A. Graves/
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,450	09/12/2008	Daniel F. Gruhl	ARC920080041US1	4529

82294 7590 03/06/2009
IBM CORPORATION (ACCSP)
c/o Suiter Swantz pc llo
14301 FNB Parkway, Suite 220
Omaha, NE 68154

EXAMINER
MOFIZ, APU M

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
03/06/2009	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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Chad W. Swantz, Esq.
Suiter Swantz, pc llo
14301 FNB Parkway, Suite 220
Omaha, NE 68154-5299

In re Application of:
Daniel F. Gruhl et al.
Serial No.: 12/209,450
Filed: September 12, 2008
Attorney Docket: ARC920080041US1
Title: FAST-APPROXIMATE TFIF

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

This is a decision on the petition filed on September 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 **DISMISSED**.

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I.1 - I.4, II.1 - II.4, II.5.1- II.5.3, II.6.1 - II.6.4 and II.6.6 above are considered to have been met. However, the petition fails to comply with condition II.6.5 above. 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.)(I)(5) and item II.6.5 above, the Accelerated Examination Support Document only identifies paragraph 0013, with minor reference to the corresponding steps in Figure 1, of the instant specification as providing sole support for claim 1. However, the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above clearly states that the petitioner is required to **specifically identify what corresponding elements in the figures** and/or **specifically identify where the corresponding written description in the cited portions of the instant specification** can find support under 35 U.S.C. § 112, first paragraph **for each limitation of the claim 1**. A review of the paragraph 0013 and the Figure 1 indicates that the description on this page is identical to the claimed language of claim 1, except of the legal phraseology used in patent claim (e.g. "said"). It is pointed out that the written description requirement has several policy objectives. The essential goal of the description of the invention requirement is to clearly convey the information that an applicant has invented the subject matter which is claimed. Another objective is to put the examiner in possession of what the applicant claims as the invention – the written description requirement implements the principle that a patent application must describe the technology that is sought to be patented; the requirement serves both to satisfy the inventor's obligation to disclose the technologic knowledge upon which the application is based and to demonstrate that the applicants were in possession of the invention that is claimed. Further, the written description requirement promotes the progress of expedite examination by ensuring that applicants adequately describe their inventions in sufficient detail in their applications in exchange for the right to take-up out of order of examination. Thus, a general statement that all limitations of claim(s) can be found in all of the figures and pointing to the specification having a verbatim of the claim language cannot be accepted to satisfy such a requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above. A clarification and identification of support 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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,450	09/12/2008	Daniel F. Gruhl	ARC920080041US1	4529

82294 7590 05/26/2009
IBM CORPORATION (ACCSP)
c/o Suiter Swantz pc llo
14301 FNB Parkway, Suite 220
Omaha, NE 68154

EXAMINER
MOFIZ, APU M

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
05/26/2009	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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Chad W. Swantz
Suiter Swantz pc llo
14301 FNB Parkway, Suite 220
Omaha, NE 68154-5299

In re Application of:
Daniel F. GRUHL et al
Serial No.: 12/209,450
Filed: September 12, 2008
Attorney Docket: ARC920080041US1
Title: FAST-APPROXIMATE TFIDF

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 April 6, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

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

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

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

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed 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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WALTER A. HACKLER, Ph.D.
PATENT LAW OFFICE
SUITE B
2372 S.E. BRISTOL STREET
NEWPORT BEACH CA 92660-0755

COPY MAILED
SEP 26 2008

In re Application of	:	
Bruce Shuman, et al.	:	
Application No. 12/209,455	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 3812	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 12, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the attorney of record certifying that one of the applicants is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HARMAN – BRINKS HOFER CHICAGO
BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO, IL 60610

MAILED

NOV 13 2009

OFFICE OF PETITIONS

In re Application of
Louis A. Mango, III et al.
Application No. 12/209,482
Filed: September 12, 2008
Attorney Docket No. 11336-1766 (P07075US)

DECISION ON PETITION TO WITHDRAW FROM RECORD

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

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Sanders N. Hills on behalf of all attorneys of record who are associated with customer No. 81166. All attorneys/agents associated with the Customer Number 81166 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

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

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

cc: HARMAN INTERNATIONAL INDUSTRIES, INCORPORATED
C/O ROBERT HALL
8500 BALBOA BOULEVARD
NORTHRIDGE, CA 91329

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/209,482	09/12/2008	Louis A. Mango III	11336-1766 (P07075US)

CONFIRMATION NO. 4591

POWER OF ATTORNEY NOTICE

81166
HARMAN - BRINKS HOFER CHICAGO
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

OC000000038615193

Date Mailed: 11/04/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/28/2009.

- 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,513	09/12/2008	Akio Yasuda	MNL-2018-2122	4648

7590 01/07/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

ART UNIT	PAPER NUMBER
2831	

MAIL DATE	DELIVERY MODE
01/07/2010	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 01/07/2010 NFARMER
09/12/2008 INTEFSW 00010174 12209513
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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TOWNSEND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Chinn et al.	:	DECISION ON PETITION
Application No. 12/209,593	:	TO WITHDRAW
Filed: September 12, 2008	:	FROM RECORD
Attorney Docket No. IST01000120US	:	

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 29, 2010.

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

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 20350 was revoked by the assignee of the patent application on January 5, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

cc: DANIEL L. FLAMM
476 GREEN VIEW DRIVE
WALNUT CREEK CA 94596-5459

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

DONALD J. ERSLER, S.C.
725 GARVENS AVENUE
BROOKFIELD WI 53005

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SEP 26 2008

In re Application of	:	
LEE, Richard J.	:	
Application No. 12/209,602	:	DECISION ON PETITION TO MAKE
Filed: September 12, 2008	:	SPECIAL UNDER 37 CFR 1.102(c)(1)
Attorney Docket No. 1983	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 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 and copy of inventor Richard J. Lee's birth certificate, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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MAILED

MAY 17 2010

OFFICE OF PETITIONS

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

In re Application of	:	
CHINN, Jeff et al.	:	
Application No. 12/209,629	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO WITHDRAW
Attorney Docket No. **IST01000510US**	:	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 29, 2010.

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

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on January 05, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DANIEL L. FLAMM**
476 GREEN VIEW DRIVE
WALNUT CREEK CA 94596-5459

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.
12/209,638	09/12/2008	Tao Xu	1089.P0003US	4910

79662 7590 02/24/2010
James M. Wu
JW Law Group
84 W. Santa Clara Street
Suite 820
San Jose, CA 95113

EXAMINER
PATEL, NIMESHKUMAR D

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
02/24/2010	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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James M. Wu
JW Law Group
84 W. Santa Clara Street
Suite 820
San Jose CA 95113

In re Application of	:	
XU et al.	:	DECISION ON PETITION
Application No. 12/209,638	:	TO MAKE SPECIAL UNDER
Filed: 12 September 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1089.P0003US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 21 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,664	09/12/2008	Mark Carl Hampton	DE920080156US1 (105150)	4959

78148 7590 04/30/2009
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
HONG, STEPHEN S

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
04/30/2009	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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KING & SPALDING
1180 PEACHTREE ST.
ATLANTA GA 30309

In re Application of: Hampton, Mark et al. Serial No.: 12/209,664 Filed: September 12, 2008 Docket: DE920080156US1 (105150) Title: WEB CONTENT MANAGEMENT TEMPLATE PAGES IN A PORTAL	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on September 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 **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.

In addition, MPEP § 708.02(a) states in part:

...

I. REQUIREMENTS FOR PETITIONS TO MAKE SPECIAL UNDER ACCELERATED EXAMINATION

A new application may be granted accelerated examination status under the following conditions:

...

(D) ***At the time of filing***, the application must be complete under 37 CFR 1.51 and in condition for examination. For example, ***the application must be filed together with*** the basic filing fee, search fee, examination fee, and application size fee (if applicable), and *an executed oath or declaration under 37 CFR 1.63.*

Further, 37 CFR § 1.63 states in part:

§ 1.63 Oath or declaration.

....

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

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

Finally, MPEP §605.02 States in part:

605.02 Applicant's Residence

Applicant's place of residence, that is, *the city and* either state or *foreign country*, is required to be included in the oath or declaration in a nonprovisional application for compliance with 37 CFR 1.63 unless it is included in an application data sheet (37 CFR 1.76).

(emphasis added)

DECISION

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it is a utility application filed under 37 CFR 1.111(a) and was not complete under 37 CFR 1.51 and in condition for examination *at the time of filing* as required by MPEP 708.02(a)(I)(D).

Specifically, the application does not comply with 37 CFR 1.51 because the oath/declaration filed with the application did not comply with 37 CFR 1.63 in that it did not identify the foreign country of residence for one of the inventors, namely, Mark Carl Hampton, as required by MPEP §605.02. Thus, the application was not complete and not in condition for examination *at the time of filing* as required by MPEP 708.02(a)(I)(D) above.

It is noted that in a letter filed on October 10, 2008 Applicant requested a correction to the Official Filing Receipt by adding "Newtown, AUSTRALIA" as the residence of inventor Mark Hampton. In the letter, Applicant stated that the declaration submitted at the time of filing shows the residence of Mr. Hampton as Newton, Australia. However, a review of the declaration submitted at the time of filing (of which a copy was submitted by applicants along with the letter of October 10, 2008) reveals that inventor Mark Hampton's city of residence was identified a s Newton, but a foreign country of residence was not identified therein, contrary to Applicant's assertion in the letter. The declaration only lists Mr. Hampton's citizenship as "Australia", but citizenship is not evidence of one's country of residence required by 37 CFR 1.63.

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.

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,664	09/12/2008	Mark Carl Hampton	DE920080156US1 (105150)	4959

78148 7590 08/05/2009
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
FABER, DAVID

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
08/05/2009	PAPER

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

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

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KING & SPALDING
1180 PEACHTREE ST.
ATLANTA GA 30309

In re Application of:
Hampton, Mark et al.
Serial No.: 12/209,664
Filed: September 12, 2008
Docket: DE920080156US1 (105150)
Title: WEB CONTENT MANAGEMENT TEMPLATE PAGES IN A PORTAL

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 filed May 13, 2009 for reconsideration of decision to deny the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition filed September 12, 2008 was denied in a decision mailed April 30, 2009 on the grounds that the application was not complete for examination at the time of filing because the declaration lacked a Foreign Country of residence for one of the inventors, therefore failing to comply with 37 CFR 1.63.

Upon reconsideration, the decision denying the petition to make the application special is withdrawn, and the petition filed September 12, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) is **GRANTED.**

However, upon a closer review of the records, the petition for accelerated examination procedure under 37 C.F.R. § 1.102(d) has been granted based on the following facts:

1. MPEP 708.02(a)(VIII)(C) states in part:
The petition to make special will be denied if the application omits an item or includes a paper that *causes the Office of Initial Patent Examination (OIPE) to* ***mail a notice*** *during the formality review (e.g., a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application).* The opportunity to perfect a petition (subsection II above) does not apply to applications that are not in condition for examination on filing.

2. Petitioner has received a receipt of acknowledgement, mailed September 19, 2008, indicating the completeness of the application and "the application will be taken up for examination in due course."

3. Petitioner has not received any notices from OIPE directed to missing items or incomplete application, specifically with respect to any deficiencies regarding the Oath or Declaration including a missing Foreign country of residence for any of the inventors and there is no evidence on record that any notice to file a corrected Oath/declaration was mailed by the Office.

In the absence of any evidence that Applicant was notified of the deficiencies noted in the decision mailed on May 18, 2009, the decision to deny the Petition to Make Special filed with the application is hereby withdrawn.

It is noted that Petitioner's arguments regarding the necessity of an inventor's foreign country of residence in the Request for Reconsideration of Dismissal of Petition to Make Special, filed May 13, 2009, has been fully considered and is deemed not persuasive. It is further noted that Applicant has filed an Application Data Sheet (ADS) on July 28, 2009 which lists the foreign country of residence of inventor Mark Hampton, thereby making the arguments moot.

Upon reviewing the Petition to Make Special filed with the application, it is noted that 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) as set forth below.

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.
12/209,683	09/12/2008	Yasuhiro KASAHARA	0074678-000003	4994

7590 06/12/2009
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
SZMAL, BRIAN SCOTT

ART UNIT	PAPER NUMBER
3736	

NOTIFICATION DATE	DELIVERY MODE
06/12/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 06/11/2009 NFARMER
09/15/2008 INTEFSW 00001219 024800 12209683
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-05-09

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/209706 Patent No.: 7562569

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

A Green

Angela Green

Certificates of Correction Branch

703-756-1814

Thank You For Your Assistance

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

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

Comments: Changes are consistent with case history in PALM (for each subsequent app) however COC $100 charges should be assessed since the spec + bibsheet throughout prosecution was not amended, therefore we did not have the correct PALM info altogether.

Lisa M. Gutter

SPE 2855 **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,715	09/12/2008	Erin Coker	27832-0004	5056

29052 7590 10/09/2008
SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

EXAMINER

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
10/09/2008	PAPER

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

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

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MAILED FROM
DIRECTORS OFFICE
OCT - 9 2008
TECHNOLOGY CENTER

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

In re application of	:	**DECISION ON PETITION**
Coker et al.	:	**TO MAKE SPECIAL FOR**
Application No. 12/209,715	:	**NEW APPLICATION**
Filed: September 12, 2008	:	**UNDER 37 CFR 1.102**

For: SYSTEMS AND METHODS FOR GENERATING, REVIEWING, EDITING AND TRANSFERRING AN ADVERTISING UNIT IN A SINGLE ENVIRONMENT

This is a decision on the petition filed on 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 **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.6.3.

As per Condition II.5.2, the pre-examination search must encompass the US Class and subclass in which the application is classified. The application is classified in 705/14, and whereas the pre-examination search is directed towards Class 705, the applicant has failed to search in Class/subclass 705/14.

It should be noted that the pre-examination search that was completed was one that was submitted with the parent case of the current application. In the parent case, the petition was denied, however it also pointed out deficiencies in the pre-examination search that should be addressed if a continuation is filed. The deficiencies have not addressed or corrected in the current pre-examination search document. Further the search that was done for the parent case was done over 4 months ago, and is not considered to be current. It is recommended that the search be updated to include any publications or patents which have been published in the last 4 months.

Further, the pre-examination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation and include an adequate amount of synonyms and truncation. While Applicant conducted good searches, the Applicant's search in USPTO EAST included in every search string, a search within the title or abstract. Whereas titles and searches are good indicators of what the patent or publication is in general covering, the search should not be so limited to only searching certain publications or patents with a certain term in the title or abstract. In regards to the actual search strategies which were used for all searches, including US patent, US patent publication, Foreign databases and NPL databases, Applicant has also failed to include an adequate number of synonyms and truncation in each of the searches conducted.

A recommended search query for the above features that may be executed in all databases of East is as follows:

L1 ((ad$1 or advertisement$1 or banner$1 or pop$1up$1) near5 (generat$3 or creat$3 or draft$3 or author$3) near5 (tool$1 or program$1 or model$1 or module$1 or sofware$1)) and ((program or software$1) near5 (environment$3 or platform$1 or interface$1))

L2 L1 and ((ad$1 or advertisement$1 or banner$1 or pop$1up$1) near5 (edit$3 or modif$6 or chang$3 or revis$4))

L3 L1 and (flash or adobe or macromedia or silverlight or actionscript)

L4 L1 and (track$3 or log$4)

L5 L1 and (transfer$3 near5 (file$1 or ad$1 or advertisement$1))

Please keep in mind that this is a non-limiting search suggestion and is only meant to serve as a possible starting point for Applicant's preexamination search for the specific features listed above." Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following web site: http://www.uspto.gov/web/patents/accelerated/ Applicant is expected to perform more supplemental searches than the sample search query listed above.

Regarding Condition II.6.3, there is not a satisfactory detailed explanation of claim patentability over each of the references. The explanation needs to specify how each of the claims (not just the independent claims) are patentable over each of the cited references, which includes the need to specify whether each of the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. 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 applicant has made general statement as to the patentability of the claim limitations, however have not specifically explained how the imitation is not taught (including each dependent claim) for each of the prior art references. Furthermore it is noted that, as outlined by the applicant, each of the claim limitations, including all dependent claims, is taught by at least one of the references. Therefore even though there may not be one reference that teaches the entirety of the claim, the combination of two of the references cited may together teach the entire claim. The applicant has stated "all the references identified above fail to teach or suggest, either alone or in combination...". The applicant has not disclosed how the combination of the references (even though each limitation is taught), would not teach the claimed invention. For example, For Claim 1, It appears the combination of Lerman and Wolkoff, would teach every limitation of the claim, yet the applicant does not state specifically how the claims are patentable (not anticipated nor obvious) over either one of the references.

Further, the applicant has not made a statement how each of the dependent claims are patentable of each of the references. The applicant has made a statement as to some of the dependent claims and if the independent claim is not

patentable, then the dependent claim exist. However the applicant has only recited the claim limitation, and has not specifically stated that the claim is patentable and how it is patentable over the prior art. The applicant has also failed to discuss each of the dependent claims.

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/.

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, C. Michelle Tarae, Business Practice Specialist at (571) 272-6727, or Jamisue Plucinski, Primary Examiner at (571) 272-6811.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/JP/10/8/08

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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.
12/209,715	09/12/2008	Erin Coker	27832-0004	5056

29052 7590 12/05/2008
SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

EXAMINER

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
12/05/2008	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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DEC 04 2008

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

In re application of	:	**DECISION ON PETITION**
Coker et al.	:	**TO MAKE SPECIAL FOR**
Application No. 12/209,715	:	**NEW APPLICATION**
Filed: September 12, 2008	:	**UNDER 37 CFR 1.102**

For: SYSTEMS AND METHODS FOR GENERATING, REVIEWING, EDITING, AND TRANSFERRING AN ADVERTISING UNIT IN A SINGLE ENVIRONMENT

This is a decision on the renewed petition filed on November 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 September 12, 2008. That petition was dismissed in a decision mailed October 9, 2008 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reasons for the dismissal included a finding of an inadequate Search Document and an inadequate Support Document.

It does not appear that an updated Search Document and an updated Support Document have been submitted, and therefore the reply has not sufficiently addressed all of the issues raised in the dismissal. It is noted that applicant states in the response that an updated Search and Support Document have been submitted to address the reasons for dismissal, however no such documents has been received. The Electronic Acknowledgment Receipt of November 10, 2008 lists only the IDSs, the NPL references and the response cover letter, but does not indicate that updated Search and Support Documents were received.

Therefore, since updated Search and Support Documents were not received, the issues raised in the dismissal with regard to conditions II.5.2 and II.6.3 have not been remedied.

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/RW/12/3/08

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United States Patent and Trademark Office
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GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

COPY MAILED
JAN 19 2010

In re Application of	:	
WAMBEKE ET AL.	:	DECISION ON PETITION
Application No. 12/209,734	:	TO MAKE SPECIAL UNDER
Filed: September 12, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 230158	:	PILOT PROGRAM

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 in 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be

accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 1 and 5 above for the reasons as explained in more detail below.

In regard to item 1, this application has been classified (USPC 416/233) in an area that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified else where. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

In regard to item 5, it is noted that the instant invention relates to "MOLDED REINFORCED SHEAR WEB CORES". The instant petition is accompanied by the statement on the basis for the special status, i.e., the invention "materially contributes to the development of renewable energy resources or energy conservation." As stated in section III of 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 the materiality standard.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of correspondence address (form PTO/SB/122) should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Gay Ann Spahn at 571-272-8011.

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

The application is being forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

CC ROGER C. PHILLIPS
GENERAL ELECTRIC COMPANY
GE GLOBAL PATENT OPERATION
P.O. BOX 861
2 CORPORATE DRIVE, SUITE 648
SHELTON, CT 06484

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,734	09/12/2008	Dustin J. Wambeke	230158	5102

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
LOOK, EDWARD K

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
02/19/2010	PAPER

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

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

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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	:	
WAMBEKE, DUSTIN J. et al	:	DECISION ON PETITION
Application No. 12/209,734	:	TO MAKE SPECIAL UNDER
Filed: Sep. 12, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 230158	:	PILOT PROGRAM
Title: MOLDED REINFORCED SHEAR WEB CORES		

This is a decision on the renewed petition under 37 CFR 1.102, filed February 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 **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition

must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item #1.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 416/233.000) 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.

In the Request for Reconsideration, the applicant indicates that the claim subject matter is classifiable in one of the designated green technology areas, namely, USPC 290/44, 55; 307/64-66, 82-87; 415/2.1. However, based on the US classification manual and guidelines, the most comprehensive claim subject matter is properly classified in Class 416 Subclass 233 which is directed to a hollow blade with bracing on the inside. This application is currently classified outside the eligible classifications set forth in the Federal Register Notice (74fr64666). Under the circumstances, the request to make the above-identified application special under the pilot program for applications pertaining to Green Technologies cannot be granted.

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. Since this is a decision for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

/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.
12/209,734	09/12/2008	Dustin J. Wambekc	230158	5102

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	:	
WAMBEKE, DUSTIN J. et al	:	DECISION ON PETITION
Application No. 12/209734	:	TO MAKE SPECIAL UNDER
Filed: Sept. 12, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 230158	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 21, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/7/09

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction for Appl. No12/209,764/.: No.: 7,568,387---

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Should the change Be made?

RoChaun Johnson
Certificates of Correction Branch
703 756-1572

Thank You For Your Assistance

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

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

Comments: Corrections are approved, however, the applicant's representative is indicating that the error was due to the PTO's fault, which seems to be incorrect. Applicant had indicated the continuation data in the Oath and Declaration and also on the first page of the specification as the current application being the divisional of the 12/013,590 application. It is the applicant's responsibility to disclose the other application (11/414,344) being the grandparent of the current application. Thus it is not the PTO's fault and the fees should be charged accordingly for the C of C.

/LisaCaputo/2855

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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS MN 55402

COPY MAILED

JUL 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Kari B. Myli, et al.	:	
Application No. 12/209,788	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 44046.203.449.8	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 5, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1794 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,796	09/12/2008	Stefan Behl	DE920080172US1 (105145)	5232

78148 7590 04/29/2009
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
LO, WEILUN

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
04/29/2009	PAPER

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

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

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P.O. Box 1450
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KING & SPALDING
1180 PEACHTREE ST.
ATLANTA GA 30309

In re Application of:
BEHL, STEFAN ET AL.
Serial No.: 12/209,796
Filed: September 12, 2008
Docket: DE920080172US1 (105145)
Title: METHOD FOR AUTOMATICALLY CONSTRUCTING PAGEFLOWS BY ANALYSING TRAVERSED BREADCRUMBS

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

This is a decision on the petition filed on September 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 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, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,801	09/12/2008	Stefan Behl	DE920080171US1 (105146)	5238

78148 7590 05/07/2009
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
LO, WEILUN

ART UNIT.	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
05/07/2009	PAPER

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

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

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KING & SPALDING
1180 PEACHTREE ST.
ATLANTA GA 30309

In re Application of: BEHL, STEFAN ET AL. Serial No.: 12/209,801 Filed: September 12, 2008 Docket: DE920080171US1 (105146) Title: METHOD FOR GRAPHICAL VISUALIZATION OF MULTIPLE TRAVERSED BREADCRUMB TRAILS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on September 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.

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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.
12/209,808	09/12/2008	Stefan Liesche	DE920080174US1 (105143)	5251

78148 7590 04/30/2009
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
LO, WEILUN

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
04/30/2009	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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1180 PEACHTREE ST.
ATLANTA GA 30309

In re Application of:
Stefan Liesche et al.
Serial No.: 12/209,808
Filed: September 12, 2008
Docket: DE920080174US1 (105143)
Title: EXTENDABLE RECOMMENDER FRAMEWORK FOR WEB-BASED SYSTEMS

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

This is a decision on the petition filed on September 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).

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

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-05-09

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/209836 Patent No.: 7568388

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

A Green

Angela Green

Certificates of Correction Branch

703-756-1814

Thank You For Your Assistance

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

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

Comments: Changes are consistent with case history in PALM (for each subsequent application) however C.O.C. $100 charge should be assessed since the spec + bib sheet throughout prosecution was not amended therefore we did not have the correct PALM info. altogether.

[signature] 2855

SPE **Art Unit**

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JAN 05 2009

OFFICE OF PETITIONS

YORGOS D. MARINAKIS
1600 BLACKHAWK RIVER DR. NE
RIO RANCHO NM 87144-6416

In re Application of	:	
Michael Anthony Martinez	:	
Application No. 12/209,856	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO WITHDRAW
Attorney Docket No. PlusFour	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed September 25, 2008.

The request is **APPROVED**.

A review of the file record indicates that Yorgos D. Marinakis: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Yorgos D. Marinakis has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The request to change the correspondence address of record has been accepted. All future communications from the Office will be directed to the first copied address below until otherwise properly notified by the applicant.

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

There are no pending Office actions at the present time.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

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

cc: MICHAEL ANTHONY MARTINEZ
PO BOX 4923
ALBUQUERQUE, NM 87196

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/209,856	09/12/2008	Michael Anthony Martinez	PlusFour

CONFIRMATION NO. 5350

POWER OF ATTORNEY NOTICE

59163
YORGOS D. MARINAKIS
1600 BLACKHAWK RIVER DR. NE
RIO RANCHO, NM 87144-6416

OC000000033807960

Date Mailed: 12/29/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/25/2008.

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

/amwise/

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

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FEB 02 2009

TECHNOLOGY CENTER 2100

Yorgos Marinakis
1600 Blackhawk River Dr., NE
Rio Rancho, New Mexico 87144-6416

In re Application of:
Martinez
Serial No.: 12/209,856
Filed: September 12, 2008
Docket: PlusFour
For: **A System and Method to Authenticate a User Utilizing a Time-Varying Auxiliary Code**

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

This is a decision on the petition filed on September 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 **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 1-2 and I 4, II 1-4 and II 5.1, 5.3, II 6.1, II 6. 6 above are considered to have been met. However, the petition fails to comply with conditions I 3, II 5.2, II 6.2 -6.3 and II 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of 37 CFR 1.16, the application size fee is missing in the EFS Fee Worksheet dated September 12, 2008 and the foreign priority claim is not proper in the Application Data Sheet 37 CFR 1.76.

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) ((one$1time (one near time) (time near var$6)) near (PIN (personal near identification near number) pass$1word pass$1code pass$1phrase code))

2) ((generat$3 creat$3 determin$3) with (PIN (personal near identification near number) pass$1word pass$1code pass$1phrase code) with (central near3 (server authenticat$3 identif$7))

3) (retriev$3 restor$3) with (PIN (personal near identification near number) pass$1word pass$1code pass$1phrase code) with manual$2

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 170** (Authentication of an entity and a message), **Subclass 182** (System

Access Control Based on User Identification by Cryptography) and **Class 726 Information Security,** Subclasses 5 and 19 (Credential Usage for Access Control or authentication) for subject matter related to user authentication. This additional search area was confirmed with an examiner in the pertinent art area.

The examination support document is required to discuss each and every limitation in the claims by specifying where the limitations are disclosed in the cited reference and for the most part that is properly done. However, multiple claims are disclosed using claim number of the cited references instead of specification with cited column and line number. Further, limitation "D" of claim 8 is missing in all cited references. Please correct the record to indicate that these limitations are disclosed by the specification of prior art and address limitation "D" of claim 8 with respect to II 6.2 above.

The examination support document is required to discuss each and every claim with regard to what the references teach or a statement as to why the claims are patentable. However, claims 8A-C,E; 9; 12 and 18C are not addressed. Please clarify the record to indicate that these features are patentable over the prior art or where these features are taught by the references with respect to II 6.3 above.

The examination support document is silent with respect to the 112 1st support for the some claim language in this specification, in particular, claim 8, limitation "D" and claim 20 are missing from the 112 1st support chart and paragraph. Paragraph [0022] is referenced to support claim 19 but further explanation is needed as how can time varying code changes support the claim language of an electronic input device being a terminal, a computer or a phone. Therefore the support document fails item 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 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
Quality Assurance Specialist
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,856	09/12/2008	Michael Anthony Martinez	PlusFour	5350

59163 7590 02/02/2009
YORGOS D. MARINAKIS
1600 BLACKHAWK RIVER DR. NE
RIO RANCHO, NM 87144-6416

EXAMINER
MOAZZAMI, NASSER G

ART UNIT	PAPER NUMBER
2436	

MAIL DATE	DELIVERY MODE
02/02/2009	PAPER

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

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Yorgos Marinakis
1600 Blackhawk River Dr., NE
Rio Rancho, New Mexico 87144-6416

In re Application of:
Martinez
Serial No.: 12/209,856
Filed: September 12, 2008
Docket: PlusFour
For: **A System and Method to Authenticate a User Utilizing a Time-Varying Auxiliary Code**

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

This is a decision on the renewed petition filed on February 18, 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 September 12, 2008 was dismissed in the decision mailed on February 2, 2009.

The petition to make the application special is GRANTED as the explanation in the remarks regarding application size fee and the correction in the Application Data Sheet properly address the concerned issues. The revised Support Document and Pre-Examination Search Document meet the requirements of condition II 5.2, 6.2-6.3 and 6.5.

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 claim 1) 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 (QAS), at (571) 272-3612. A second point of contact is QAS Kim Huynh at (571)-272-4147

Tod R Swann
Quality Assurance Specialist
Technology Center 2400
Computer Security, Architecture and Software

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59163 7590 03/30/2009
YORGOS D. MARINAKIS
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EXAMINER
CERVETTI, DAVID GARCIA

ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
03/30/2009	PAPER

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Alan S. Hodes
Beyer Law Group LLP/Yahoo
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Cupertino, CA 95015-1687

In re Application of: SANGHAVI, M., et. al.
Serial No.: **12/209,859**
Filed: September 12, 2008
Docket: YAH1P165/Y04597US00
For: PRESENCE INDICATION CONFIGURATION METHODOLOGY

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

This is a decision on the petition filed on September 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 **DISMISSED**.

REGULATION AND PRACTICE

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

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

II. Conditions Regarding the Petition:

The petition must:
1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.
The preexamination search must:
5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.
An accelerated examination support document must include:
6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1-4, II. 1 – 5, 5.1 - 6.1, and II 6.4-6.6 above are considered to have been met. However, the petition fails to comply with conditions I. 4 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) (F) and the above mentioned I. 4 condition of the application: the claims must be directed to a single invention. Accordingly, if the USPTO determine that all the claims presented are not directed to a single invention, application must make an election without traverse in a telephonic interview.

The claims have been reviewed and a determination has been made that claims 1-7 are directed to two inventions, namely:

Group I: claims 1-6 classified 709/219, as the claims are directed toward sending a basic presence indication from a first user to a second user, based on a permission list.

Group II: claim 7, classified 709/220, as the claim is directed toward configuring a permission model to provide enhanced presence indication. Election is required in response to this communication.

The two groups are subcombinations usable together, while group II does not require any sort of basic presence indication in addition to an enhanced permission indication.

Regarding the requirement of MPEP § 708.02(a) (I.)(I) and item II 6.2; 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.*

Petitioner's AESD only provides a general discussion of the references (e.g. US 7,395,329 by Holt, et. al.) but fails to point out how each of the references meets the claim limitations of claims 1-7, as required. Specifically, section 9(B) Identification of Limitations Disclosed by References of the AESD must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

The AESD's general discussion of what the reference(s) discloses ***without*** pointing out all the claimed limitations in the claims that are taught by each reference and specifying where the limitation(s) are taught in the cited reference, does not comply with the requirements of this section, see Examples on-line at http://www.uspto.gov/web/patents/accelerated/ . There also should be a section 9(A) References Deemed Most Closely Related which lists each of the references deemed most closely related to the subject matter of the claims as also shown on the on-line examples.

The discussion in section 9(B) of the AESD does not provide a detailed explanation of how each of the claims is patentable is disclosed by the reference specifying where the limitation is disclosed in the cited reference. Petitioner should provide a ***claim-by-claim mapping*** of the pertinent subject matter disclosed in each of the references, specifically ***identifying each claim limitation*** and corresponding disclosure within the reference. Correction is required.

Regarding to the requirement of MPEP 708.02(a)(I)(2-3) and item II 6.3 above, the AESD requires a detailed explanation of how each of the claims are patentable with the particularity required by 37 CFR 1.111(b) and (c). Namely, point out the specific *distinctions* believed to render the claims, patentable over any applied references.

The AESD's "Statement of Patentability" is not clear as to how each of the claims and their respective limitations are patentable over the references cited. For example, Petitioner's statement(s) that the references do not teach: "providing a user interface element to provide an indication to the

messaging system of whether to add the first computing device to a messaging list for the user of the second computing device, so as to maintain the permission to provide the enhanced presence indication to the first computing device for the user of the second computing device", is not a limitation/feature of claim 7. It is noted that claim 7 does not recite either providing a basic presence indication, or providing a user interface element. For this reason, the AESD does not comply with the requirements of 37 CFR § 1.111 (b) and (c). Correction is required.

Further, the AESD's "Statement of Patentability" is not clear as to exactly what claim(s) and their respective limitations are patentable over the references cited. For example, Petitioner's statement(s): "*add the first computing device to the messaging list*", however, this is not recited on claim 1. The closest claim limitation recites, "*add the user of the first computing device to the messaging list.*" Hence, the provided statement of patentability do not provide identification of *specific* claim limitations are patentable with the particularity of 37 CFR § 1.111 (b) and (c). Correction/clarification is required.

Additionally, the AESD fails to provide a detailed explanation of how each of the claims are patentable with the 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.

For example, the AESD states that: none of the recited prior art teaches a *message to be sent from a first computing device to a second computing device, resulting in providing a basic presence indication for the user of the second computing device to the first computing device*. However, section 9(B) Identification of the Limitations Disclosed by the References stated that the MALIK et. al. (US 7,370,278) reference teaches "*transmit[ting] an alert message when a particular presence status change occurs when regard to a first user.*" (see AESD page 4). The AESD also further stated that the MATHIS (US 6,993,327) reference teaches sending presence information in multicast messages (see AESD page 13).

As such, it is unclear whether this limitation is taught or not by the discussed references and if this limitation is not taught by the reference, why Petitioner believes it is not taught, by point out what is the particular claim distinction over the applied references. Hence, the provided statement of patentability fails to provide sufficient explanation pointing out what specific claim limitations that are not taught by the prior art with the particularity required by 37 CFR § 1.111 (b) and (c). Correction/clarification is required.

DECISION

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

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

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

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/kb/

/ Beatriz Prieto /

Beatriz Prieto, WQAS

Technology Center 2400
Network, Multiplexing, Cable and Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,859	09/12/2008	Mehul Sanghavi	YAH1P165/Y04597US00	5358

77814 7590 03/16/2009
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EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
03/16/2009	PAPER

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Alan S. Hodes
Beyer Law Group LLP/Yahoo
P.O. Box 1687
Cupertino, CA 95015-1687

In re Application of: Sanghavi, M., et al.
Serial No.: **12/209,859**
Filed: September 12, 2008
Docket: YAH1P165/Y04597US00
For: Presence Indication Configuration Methodology

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 April 16, 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 September 12, 2008 was dismissed in the decision mailed on March 16, 2009.

The petition to make the application special is **GRANTED** as the election of group I, claims 1-6 without traverse and the revised Support Document meet the requirements of conditions I. 4 and II 6.2-6.3.

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 claim 1) 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 Beatriz Prieto, Quality Assurance Specialist (QAS), at (571) 272-3902. A second point of contact is QAS Beatriz Prieto at (571) 272-4147.

/mdn/

Beatriz Prieto

Beatriz Prieto, Quality Assurance Specialist
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77814 7590 04/28/2009
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EXAMINER
CALDWELL, ANDREW T

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KV PHARMACEUTICAL COMPANY
4080B WEDGEWAY COURT
EARTH CITY MO 63045

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OCT 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Rita Downard Vacca :
Application No. 12/209,864 :
Filed: September 12, 2008 :
Attorney Docket No. P084US :

DECISION GRANTING PETITION

This is a decision on the petition filed October 1, 2008, that is responsive to the "Notice of Incomplete Nonprovisional Application" (the "Notice") mailed September 25, 2008.

On September 12, 2008, the application was deposited.

On September 25, 2008, the Office of Patent Application Processing mailed the Notice stating that no filing date had been accorded the application because drawings were not found with the original disclosure, but appeared to be required to understand the invention claimed. The Notice allowed a non-extendable period for response of two months from its mailing date. The instant petition was filed on October 1, 2008.

Petitioner request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.78 to a prior filed and co-pending application. Petitioner's arguments have been considered, however; it is controlling that a review of the application confirms that the application, as filed, contained at least one composition claim. The Manual of Patent Examining Procedure, Section 601.01(f) provides that:

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

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

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

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

No petition is required. The preliminary amendment filed October 1, 2008, requesting entry of the drawings is noted.

The petition is granted to the extent the instant petition requests a filing date of September 12, 2008, with no drawings present in the application.

The Office of Patent Application Processing has been advised of this decision. Pursuant to this decision, the application has been referred to the Office of Patent Application Processing for correction of the filing date to September 12, 2008, an indication in Office records that no sheets of drawings were present on filing, and for issuance of a filing receipt.

Any inquiries related to 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

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.
12/209,867	09/12/2008	Eiji Ohta	0112857-1402	5373

7590 09/15/2009

K&L Gates LLP
P. O. BOX 1135
CHICAGO, IL 60690

EXAMINER
NELMS, DAVID C

ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
09/15/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 09/14/2009 NFARMER
09/15/2008 INTEFSW 00002545 021818 12209867
02 FC:1111 510.00 CR

Adjustment date: 09/14/2009 NFARMER
09/30/2008 AGOITOM 00000028 021818 12209867
01 FC:1202 850.00 CR
02 FC:1203 370.00 CR

FORM PET651G (Rev. 08/07)

AE PROCESSING

☐ **DISMISSAL**

DOC CODE: **PETDEC (Orange sheet)**

PALM: **DISMISSED**

☐ **DENIAL**

DOC CODE: **PETDEC (Orange sheet)**

PALM: **DENIED**
AEOV

☑ **GRANT**

DOC CODE: **PETDEC (Orange sheet)**

PALM: **GRANTED**

☐ **COMMUNICATION**

DOC CODE: **M327 (Orange sheet)**

PALM: **1380 Transaction (Misc. Letter Count)**
Mail Transaction
AEOV

PALM PETITON CODE IS 646
SCAN ALL OUTGOING PAPERS
DATE STAMP ALL OUTGOING PAPERS

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JUN 29 2009

KING & SPALDING
1180 PEACHTREE ST.
ATLANTA GA 30309

In re application of:	:	**DECISION ON PETITION**
Axt, Jakob et al.	:	**TO MAKE SPECIAL FOR**
Application No. 12/209,870	:	**NEW APPLICATION**
Filed: September 12, 2008	:	**UNDER 37 CFR 1.102**

For: METHOD FOR PROVIDING A MANUFACTURING EXECUTION SYSTEM (MES) SERVICE TO THIRD PARTIES

This is a decision on the petition filed on 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.

Robert A. Weinhardt
Business Practice Specialist
Technology Center 3600

RW 6/26/09

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IP ADVISORS
CHRISTOPHER HAIGH
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STE. 2800
CHICAGO, IL 60601

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DEC 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey R. Schwindt	:	DECISION ON PETITION
Application No. 12/209,881	:	TO WITHDRAW
Filed: September 12, 2008	:	FROM RECORD
Attorney Docket No. SATEC1	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on October 5, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted herein cannot be approved at this time since the Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b).

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no 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

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MINNEAPOLIS MN 55440-1022

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AUG 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Lisa Huber et al.	:	DECISION REFUSING STATUS
Application No. 12/209,896	:	UNDER 37 CFR 1.47(a)
Filed: September 12, 2008	:	
Attorney Docket No. 23008-0002001	:	

This is in response to the petition under 37 CFR 1.47(a), filed April 27, 2009.

The petition is dismissed.

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

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

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventors Ranieri and Delantar, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventors non-signing Raneiri and Delantar. In this regard, petitioner should, at the very least, conduct a search

of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Raneiri and Delantar's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventors' last known address. Therefore, at the very least, petitioner should mail correspondence to the inventors' last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Ranieri and Delantar's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Further as to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). There is no indication herein that joint inventors Ranieri and Delantar were presented with a copy of the complete application papers for this application. From the evidence of record, it only appears that the joint inventors were presented with only a copy of the declaration. If the joint inventors were not presented with a copy of the application papers for this application, then the joint inventors could not attest that they have "reviewed and understand the application papers" and could not execute the

declaration they were requested to sign. Did the joint inventors receive a copy of the application papers?

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

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

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

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

Telephone inquiries should be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

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In re Application of	:	
Lisa Huber et al.	:	DECISION NOTING JOINDER OF
Application No. 12/209,896	:	INVENTOR AND PETITION
Filed: September 12, 2008	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 23008-0002001	:	

Papers filed on October 20, 2009 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed August 27, 2009, included a Declaration signed by previously non-signing inventors, Richard P. Ranieri and Pedro Delantar Jr. , in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

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

Telephone inquiries should be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

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LOEB & LOEB, LLP
321 NORTH CLARK
SUITE 2300
CHICAGO IL 60610-4746

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SEP 29 2008

In re Application of	:	
Graham, et al.	:	DECISION REFUSING STATUS
Application No. 12/209,927	:	UNDER 37 CFR 1.47(b)
Received: September 12, 2008	:	
Attorney Docket No. 209833-30001	:	

This is in response to the "Petition Under 37 CFR 1.47(b), filed September 12, 2008.

The petition is **DISMISSED**.

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

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

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

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

As to item (1), petitioners have failed to establish that the non-signing inventors received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

Petitioners reference refusals to sign a declaration. However, petitioners have failed to establish that each non-signing inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to sign the oath or declaration.

Before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to each non-signing inventor at the non-signing inventor's last known address, typically a residential address.

Any renewed petition should be accompanied by evidence to establish that each non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to the inventors indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventors receive the application papers and requests to execute the oath or declaration are refused any of the non-signing inventors, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition. For further guidance, petitioner's attention is directed to MPEP 409.03(d)(II).

As to item (2), an acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration presented is unacceptable as it has not been properly executed on behalf of the non-signing inventors as it has not been established by one whose authority to act on behalf of the assignee has been established before the Office. The declaration further fails to set forth the title of the individual signing on behalf of the non-signing inventors. See, MPEP 409.03(b), MPEP 324, and 37 CFR 3.73(b).

Any renewed petition should be accompanied by a proper oath or declaration wherein the name, address, residence, and citizenship of the inventor is set forth. The declaration should be executed by a corporate officer, such as the president, vice president, secretary, or treasurer of the assignee on behalf of and as agent for the non-signing inventor. The corporate officer's title or position must be identified in the declaration. If an officer is unavailable to execute the declaration, the declaration may be signed on behalf of the corporation by one whose proof of signing authority has been submitted to the Office, such as the corporation's attorney. The signature block of the non-signing inventors should remain unexecuted. *See* MPEP 409.03(b).

As to item (5), petitioners have failed to provide sufficient evidence of a proprietary interest in the instant application. Any renewed petition must be accompanied by evidence to sufficiently establish that (1) that the invention has been assigned to assignee by the non-signing inventors or (2) that the non-signing inventors have agreed in writing to assign the invention to assignee or (3) otherwise demonstrate a proprietary interest in the subject matter of the application. *See*, MPEP 409.03(f).

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

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

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

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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LOEB & LOEB, LLP
321 NORTH CLARK
SUITE 2300
CHICAGO IL 60610-4746

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:
Graham, et al.	: DECISION GRANTING STATUS
Application No. 12/209,927	: UNDER 37 CFR 1.47(a)
Filed: September 12, 2008	:
Atty. Dkt. No.: 209833-30001	:

This decision is in response to the renewed petition under 37 CFR 1.47(b) filed January 29, 2009. This matter is being properly treated as a request for reconsideration pursuant to 37 CFR 1.47(a).

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

Petitioners have shown that the non-signing inventors have refused to join in the filing of the above-identified application after having been presented with the complete application papers.

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

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

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

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

/ALESIA M. BROWN/

Alesia M. Brown
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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ROBERT G. GRAHAM
6117 EAST GRAND LAKE ROAD
PRESQUE, MI 49777

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
Graham, et al. :
Application No. 12/209,927 : LETTER
Filed: September 12, 2008 :
Atty. Dkt. No.: 209833-30001 :

Dear Sir:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: LOEB & LOEB, LLP
321 NORTH CLARK
SUITE 2300
CHICAGO IL 60610-4746

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TONY A. KUIPERS
4560 MISSAUKEE
GRANDVILLE, MI 49418

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OFFICE OF PETITIONS

In re Application of
Graham, et al.
Application No. 12/209,927
Filed: September 12, 2008
Atty. Dkt. No.: 209833-30001

: LETTER

Dear Sir:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: LOEB & LOEB, LLP
321 NORTH CLARK
SUITE 2300
CHICAGO IL 60610-4746

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2570 STURBRIDGE DRIVE
ADA, MI 49301

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OFFICE OF PETITIONS

In re Application of
Graham, et al.
Application No. 12/209,927
Filed: September 12, 2008
Atty. Dkt. No.: 209833-30001

: LETTER

Dear Sir:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: LOEB & LOEB, LLP
321 NORTH CLARK
SUITE 2300
CHICAGO IL 60610-4746

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

T. TERRY TOUSEY
5832 CATAUMET COURT
ST. LOUIS, MO 63128

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MAR 3 0 2009

OFFICE OF PETITIONS

In re Application of
Graham, et al.
Application No. 12/209,927
Filed: September 12, 2008
Atty. Dkt. No.: 209833-30001

: LETTER

Dear Sir:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: LOEB & LOEB, LLP
321 NORTH CLARK
SUITE 2300
CHICAGO IL 60610-4746

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AT& T LEGAL DEPARTMENT – T&W
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT&T WAY
BEDMINSTER NJ 07921

MAILED

AUG 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Judson John Flynn et al	:	
Application No. 12/209,940	:	DECISION ON PETITION
Filed: September 12, 2008	:	
Attorney Docket No. 0558/ATTWP198US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 19, 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 corrected drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed March 26, 2009, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Patent Application Processing for appropriate action by the Examiner in the normal course of business on the reply received June 19, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Donald J. Novotney	: DECISION ON REQUEST FOR
Patent Number	: 7660929	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/209,962	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/12/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Donald J. Novotney	: DECISION ON REQUEST FOR
Patent Number	: 7587540	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/209,970	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/12/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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PATENT LAW PROFESIONALS
P.O. BOX 612407
SAN JOSE, CA 95161

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OFFICE OF PETITIONS

In re Application of	:	
Koji TAKINAMI, et al	:	
Application No. 12/209,981	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO WITHDRAW
Attorney Docket No. 80-045US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 20, 2009.

The request is **APPROVED**.

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

The request was signed by William Winters on behalf of the attorneys of record associated with Customer Number 63409.

The attorneys of record associated with Customer Number 63409 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: KOJI TAKINAMI
C/O MATSUSHITA ELECTRIC
INDUSTRIAL CO., LTD. 1006
OAZA KADOMA 571-8501
JAPAN

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OFFICE OF PETITIONS

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of	:	
Li et al.	:	DECISION ON PETITION
Application No. 12/209,999	:	TO WITHDRAW
Filed: September 12, 2008	:	FROM RECORD
Attorney Docket No. 9131.0036-01	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on August 11, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted herein cannot be approved at this time since the Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b).

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to Alicia Kelley at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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OFFICE OF PETITIONS

In re Application of	:	
Li et al.	:	DECISION ON PETITION
Application No. 12/209,999	:	TO WITHDRAW
Filed: September 12, 2008	:	FROM RECORD
Attorney Docket No. 09131.0036-01	:	

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

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted herein still cannot be approved since the Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b).

Petitioner should note that the Office will only accept correspondence address changes to the most current address information provided the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, **or**, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/210,084	09/12/2008	Renata Budko	12000041-0001-002	5820

26263 7590 06/03/2010
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606-1080

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
06/03/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 03 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO IL 60606-1080

In re Application of: BUDKO, RENATA et al.
Application No. 12210084
Filed: September 12, 2008
For: METHODS AND SYSTEMS FOR SECURELY MANAGING VIRTUALIZATION PLATFORM.

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 PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed April 22, 2010 to make the above-identified application special.

The request and petition are DENIED.

Applicants rely on positive PCT work product where ISA/IPEA is KIPO. The U.S. P.T.O. does not have a PCT-PPH pilot program with the KIPO. The request to participate in the PCT-PPH pilot program and petition are therefore denied.

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

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

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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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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JACKSON & CO., LLP
6114 LA SALLE AVENUE
#507
OAKLAND CA 94611-2802

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MAY 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Say et al.	:	
Application No. 12/210,122	:	ON PETITION
Filing: September 12, 2008	:	
Attorney Docket No. TS-02-26C30	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 17, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney 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 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Leydig, Voit & Mayer Ltd.
Two Prudential Plaza - Suite 4900
180 North Stetson Avenue
Chicago IL 60601-6731

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APR 23 2010
OFFICE OF PETITIONS

Applicant: Yu et al.
Appl. No.: 12/210,134
Filing Date: September 12, 2008
Title: Neutrokine-Alpha and Neutrokine-Alpha Splice Variant
Attorney Docket: 70359
Pub. No.: US 2009/0104189 A1
Pub. Date: April 23, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 23, 2009, for the above-identified application.

The request is granted.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page wherein the preliminary amendment to the benefit claim, which was filed with the application on September 1, 2008 was not included.

In accordance with 37 CFR 1.76(d), the benefit claim submitted in the Application Data Sheet (ADS) on September 12, 20008 governs over the benefit claim contained in the preliminary amendment also submitted on September 12, 2008. However, the benefit claim submitted in the second supplemental amendment on December 30, 2008 governs over the benefit claim in the ADS in accordance with 37 CFR 1.76(d).

It is noted that the amendment submitted December 30, 2008 includes an "incorporation by reference" statement to a new application number. An "incorporation by reference statement" added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. 132(a)). See MPEP 201.11.

The Patent Application Publication was published with the benefit claim included in the ADS.

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 Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

Mark O. Polutta
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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& BERNER, LLP
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SUITE 300
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Chang, et al.	:	
Application No. 12/210,145	:	DECISION
Filed/Deposited: 12 September, 2008	:	
Attorney Docket No. 4459-285	:	

This is a decision on the petition filed on 28 November, 2008, seeking to have accorded a filing date of 12 September, 2008, for the above-identified application, and more properly considered under 37 C.F.R. §1.57(a), based on the inadvertently omitted drawings averred to have been present in the prior-filed foreign application to which this application claimed benefit on filing under 37 C.F.R. §1.55.

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

Petitioner is given **TWO (2) MONTHS** from the mailing date of this decision to correct the below-noted deficiencies, including supplying an amendment in compliance with §1.57 and §1.121 or otherwise, properly respond. This period is not extendable. See 37 C.F.R. §1.181(f). The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.57(a)."

Application papers in the above-identified application were deposited on 12 September, 2008.

On 29 September, 2008, the Office mailed a Notice of Incomplete Nonprovisional Application (the Notice) and indicated therein that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. §113 (first sentence).

Thus, the application was not granted a filing date.

In response, on 28 November, 2008, Petitioner filed, *inter alia*, a petition, with:

- petition fee authorization;
- a receipt card evidencing submission on deposit of the application what is averred to be a certified a copy of Taiwan Application No. 097103682, filed on 31 January, 2008, to which priority is claimed; and
- a preliminary amendment, with what is averred to be a true copies FIGS. 1-13 described in the specification and omitted on deposit of the application.

Petitioner avers that he has provided a translation of the Taiwan Application No. 097103682, filed on 31 January, 2008, to which priority is claimed and which application is in a language other than English, however, all that is in evidence in the file is the copy of the specification for the instant application, which itself claims priority to the Taiwan Application No. 097103682, filed on 31 January, 2008—and not the translation of the Taiwan Application No. 097103682, filed on 31 January, 2008.

Consideration turns to the merits of the §1.57 petition.

The regulations at 37 C.F.R. §1.57 provide 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 §1.55 for priority of a prior-filed foreign application, or 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 §1.55 or §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).
>
> > (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by §1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
> >
> > (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. §111;
> >
> > (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

***

(3) If an application is not otherwise entitled to a filing date under §1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in §1.17(f).

The instant application was filed after September 21, 2004, and thus, the provisions of 37 C.F.R. §1.57(a) are applicable.

Petitioner seeks relief under the provisions of 37 C.F.R. §1.57(a), but fails to comply with the requirement set forth at §1.57(a)(1)(ii), to wit:

***

(ii) Supply an English language translation of any prior-filed application that is in a language other than English;

***

Pursuant to the guidance at MPEP §201.15, the "translation must be filed together with a statement that the translation of the certified copy is accurate."

Thus, the petition cannot be granted because Petitioner failed to submit the required translation of Taiwan Application No. 097103682, filed on 31 January, 2008, to which priority is claimed and which is in a language other than English. A complete translation of the Taiwan application is required.

In view the above-identified omission, the petition must be **dismissed**.

Petitioner should note that a filing date has been granted and the application includes an express incorporation by reference of Japanese Application No. 2007-075047, filed on 22 March, 2007. Thus Petitioner is entitled to submit an amendment in accordance with 37 C.F.R. §1.57(b). (*See*: MPEP 201.06(c)(IV).) No fee is necessary for such an amendment, which will be considered by the Examiner.

Alternatively, further correspondence with respect to this decision should be addressed as follows:

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

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

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

Registered users of EFS-Web may alternatively submit their response to this decision via EFS-Web.

Telephone inquiries concerning this decision should be directed to John J. Gilllon, Jr., attorney, at (571) 272-3214; telephone inquiries concerning the processing of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

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& BERNER, LLP
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OFFICE OF PETITIONS

In re Application of :
Chang, et al. :
Application No. 12/210,145 : DECISION
Filed/Deposited: 12 September, 2008 :
Attorney Docket No. 4459-285 :

This is a decision on the petition filed on 11 June, 2009, seeking to have accorded a filing date of 12 September, 2008, for the above-identified application, and more properly considered under 37 C.F.R. §1.57(a), based on the inadvertently omitted drawings averred to have been present in the prior-filed foreign application to which this application claimed benefit on filing under 37 C.F.R. §1.55.

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

Application papers in the above-identified application were deposited on 12 September, 2008.

On 29 September, 2008, the Office mailed a Notice of Incomplete Nonprovisional Application (the Notice) and indicated therein that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. §113 (first sentence).

Thus, the application was not granted a filing date.

In response, on 28 November, 2008, Petitioner filed, *inter alia*, a petition, with:

- petition fee authorization;
- a receipt card evidencing submission on deposit of the application what is averred to be a certified a copy of Taiwan Application No. 097103682, filed on 31 January, 2008, to which priority is claimed; and

- a preliminary amendment, with what is averred to be a true copies FIGS. 1-13 described in the specification and omitted on deposit of the application.

While Petitioner averred that he provided a translation of the Taiwan Application No. 097103682, filed on 31 January, 2008, to which priority is claimed and which application is in a language other than English, however, all that was in evidence in the file is the copy of the specification for the instant application, and not the translation of the Taiwan Application No. 097103682, filed on 31 January, 2008. Moreover, there was no statement as to the accuracy of the translation. The petition was dismissed on 9 June, 2009.

Petitioner filed a petition on 11 June, 2009, seeking to overcome the deficiencies of the earlier petition, and supplemented that petition on 31 August, 2009, thereby providing not only the translation and the certification thereof, but also a supplement linking the translation to the foreign-filed application, Taiwan Application No. 097103682, filed on 31 January, 2008, to which priority is claimed and which is in a language other than English.

Consideration turns to the merits of the §1.57 petition.

The regulations at 37 C.F.R. §1.57 provide 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 §1.55 for priority of a prior-filed foreign application, or 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 §1.55 or §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).
>
> > (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by §1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
> >
> > (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. §111;
> >
> > (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ***
>
> (3) If an application is not otherwise entitled to a filing date under §1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in §1.17(f).

The instant application was filed after September 21, 2004, and thus, the provisions of 37 C.F.R. §1.57(a) are applicable.

ANALYSIS

Petitioner filed a petition on 11 June, 2009, seeking to overcome the deficiencies of the earlier petition, and supplemented that petition on 31 August, 2009, thereby providing not only the translation and the certification thereof, but also a supplement linking the translation to the foreign-filed application, Taiwan Application No. 097103682, filed on 31 January, 2008, to which priority is claimed and which is in a language other than English. Therefore, based upon applicant's incorporation by reference of the contents of the previously filed foreign application on filing of the present application, a filing date of 12 September, 2008, may be accorded the present application. A preliminary amendment to add the inadvertently omitted material is required and appears to have been submitted on 28 November, 2008.

CONCLUSION

Accordingly, the petitions are **granted**.

This application is being forwarded to the Office of Patent Application Processing (OPAP) formerly Office of Initial Patent Examination (OIPE), for further processing, with the filing date of 30 December, 2008, using the application papers present on that date, and drawings/figure and preliminary amendment submitted on 28 November, 2008.

Any questions concerning this matter may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

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

In re Application of	:	
Takase, et al.	:	
Application No. 12/210,148	:	DECISION
Filed/Deposited: 12 September, 2008	:	
Attorney Docket No. 0033-1012PUS6	:	

This is a decision on the petition filed 17 November, 2008, seeking to have accorded a filing date of 12 September, 2008, for the above-identified application based upon a showing that the omitted drawing/figures were present in the prior-filed co-pending nonprovisional application to which this application claimed benefit (under 37 C.F.R. §1.78) on deposit.

The petition is **DISMISSED**.

The instant application was deposited on 12 September, 2008.

On 1 October, 2008, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because it had been deposited without drawing as required under 35 U.S.C. §113 (first sentence). The Office indicated that Petitioner could demonstrate on petition the presence of the drawings/figures by presentation of evidence of deposit (e.g., date-stamped receipt card, EFS Acknowledgement Receipt); or submit the drawings/figures and accept the date of submission as the filing date. The Office gave Petitioner two (2) months within which to reply.

On 17 November, 2008, Petitioner filed, *inter alia*, filed a petition pursuant to 37 C.F.R. §1.57 seeking a filing date of 12 September, 2008, for the application. Petitioner appears to have failed to file an amendment under the rule; upon such filing any determination as to that amendment will be made by the Examiner.

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

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

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

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

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

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

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for:

- **correction of the filing date to 12 September, 2008**;
- **indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **issuance of a filing receipt.**

Telephone inquiries concerning this matter should be directed to John J Gillon, Jr., attorney, at (571) 272-3214. Inquiries regarding initial patent application processing should be directed to OPAP at (703) 308-9210.

Anthony Knight
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

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

Applicant: Deepak Jain
Appl. No.: 12/210,167
Filing Date: September 12, 2008
Title: WIRELESSELY RECEIVING BROADCAST SIGNALS USING INTELLIGENT CARDS
Attorney Docket: 24310-0011001
Pub. No.: US 2009/0199283 A1
Pub. Date: August 6, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 29, 2009 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in paragraphs 0051, 0052 and 0056 of the specification.

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

The error noted by requester in regards to paragraphs 0051, 0052 and 0056 wherein "UI" was misprinted as "UT" may be an Office error, but it is a not material Office error under 37 CFR 1.221. The error does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

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

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,173	09/12/2008	HOWARAD W.H. LEE	026335-001510US	6005

20350 7590 07/15/2010
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
NIKMANESH, SEAHVOSH J

ART UNIT	PAPER NUMBER
2812	

MAIL DATE	DELIVERY MODE
07/15/2010	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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
Lee et al.	:	DECISION ON PETITION
Application No. 12/210,173	:	TO MAKE SPECIAL UNDER
Filed: 12 September 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 026335-001510US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 02 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 **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as the discovery or development of renewable energy resources. As set forth in the pilot agreement, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to the development of renewable energy resources. The intended use statement of "for photovoltaic devices" is insufficient to render claimed subject matter eligible for the Green Technology Pilot Program.

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 Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2812 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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OFFICE OF PETITIONS

STANLEY B. BAKER, LTD
P.O. BOX 4186
FAYETTEVILLE, AR 72701

In re Application of	:	
William J. Babcock et al	:	
Application No. 12/210,179	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO WITHDRAW
Attorney Docket No. 1003.1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 9, 2009.

The request is **APPROVED**.

The request was signed by Stanley B. Baker on behalf of the practitioners of record associated with Customer No. 86127.

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

All future correspondence will be directed to inventor William J. Babcock at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: William J. Babcock
1401 S. Walton Blvd., Suite 9-123
Bentonville, AR 72712

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/210,179	09/12/2008	William J. Babcock	1003.1

CONFIRMATION NO. 6018

POWER OF ATTORNEY NOTICE

86127
Stanley B. Baker, LTD
P.O. Box 4186
Fayetteville, AR 72701

OC000000037988557

Date Mailed: 09/28/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/09/2009.

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

/idingle/

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

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/210,179	09/12/2008	William J. Babcock	1003.1

CONFIRMATION NO. 6018

POA ACCEPTANCE LETTER

William J. Babcock
1401 S. Walton Blvd., Suite 9-123
Bentonville, AR 72712

OC000000037988624

Date Mailed: 09/28/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/09/2009.

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

/idingle/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,183	09/13/2008	Ronald G. Holder	IMS1.PAU.06C	6037

79782 7590 07/29/2010
Law Offices of Daniel L. Dawes
Dawes Patent Law Group
5200 Warner Blvd, Ste. 106
Huntington Beach, CA 92649

EXAMINER
DUNWIDDIE, MEGHAN K

ART UNIT	PAPER NUMBER
2875	

NOTIFICATION DATE	DELIVERY MODE
07/29/2010	ELECTRONIC

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

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

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

ddawes@dawespatents.com
mdawes@dawespatents.com

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100722

DATE : July 22, 2010

TO SPE OF : ART UNIT 2875

SUBJECT : Request for Certificate of Correction on Patent No.: 7581855

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/Sandra L. O'Shea/
Supervisory Patent Examiner, Art Unit 2875

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SEP 10 2009

OFFICE OF PETITIONS

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052

In re Application of	:
Lawrence, et al.	: DECISION ON PETITION
Application No. 12/210,225	:
Filed: September 15, 2008	:
Atty. Dkt. No.: 324514.01	:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2009, to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

The application was filed September 15, 2008. On October 2, 2008, a Notice to File Missing Parts was mailed, requiring an executed oath or declaration and surcharge. A petition under 37 CFR 1.47(a) was filed April 20, 2009 and supplemented August 12, 2009. The petition filed April 20, 2009 included an authorization to charge fees to applicants' deposit account. Thus, the petition filed April 20, 2009 was timely, as the Office had authorization to charge the required four month extension of time and surcharge to applicants' deposit account. In view thereof, at the time of submission of the petition, the application was not abandoned.

Accordingly, the required four month extension of time and surcharge have been charged to applicants' deposit account and the petition to revive fee has been refunded.

This application is being forwarded to the Office of Patent Application Processing for further action.

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

/Alesia M. Brown/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052

In re Application of	:
Lawrence, et al.	: DECISION GRANTING STATUS
Application No. 12/210,225	: UNDER 37 CFR 1.47(a)
Filed: September 15, 2008	:
Atty. Dkt. No.: 324514.01	:

This is in response to the petition under 37 CFR 1.47(a), filed April 20, 2009 and supplemented August 17, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the complete application papers.

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

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

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-2305.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Commissioner for Patents
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Ganesh Ananthnarayanan
126 Blackwelder Ct. Apt. 716
PaloAlto, CA 94305

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SEP 10 2009

OFFICE OF PETITIONS

In re Application of
Lawrence, et al.
Application No. 12/210,225
Filed: September 15, 2008
Atty. Dkt. No.: 324514.01

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 who presents (to the United States Patent and Trademark Office) written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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SHYAM K. GUPTA
BIODERM RESEARCH
5221 E. WINDROSE DRIVE
SCOTTSDALE AZ 85254

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OFFICE OF PETITIONS

In re Application of	:	
Shyam K. Gupta	:	
Application No. 12/210,266	:	DECISION ON PETITION
Filed: September 15, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 29, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

The application is being forwarded to the Technology Center Art Unit 1614 for action on the merits commensurate with this decision.

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

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AUG 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Jain et al.	:	
Application No. 12/210,289	:	DECISION ON PETITION
Filed: September 15, 2008	:	PURSUANT TO
Attorney Docket No.: MERL-1997	:	37 C.F.R. § 1.137(B)
Title: METHOD AND SYSTEM FOR	:	
CLASSIFYING DATA IN SYSTEM WITH	:	
LIMITED MEMORY	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed June 10, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 25, 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 November 26, 2008. A notice of abandonment was mailed on June 4, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay.

The second and third requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

Regarding the first requirement of Rule 1.137(b), the requirement has not been satisfied because Petitioner did not submit the required reply to the Office action. The required reply is a reply that would have been sufficient to avoid abandonment, had such reply been timely filed.[2] In order for the application to be revived, petitioner must submit a reply that satisfies 37 C.F.R. §1.137(a)(1) (*i.e.*, **the search and examination fees, along with the surcharge associated with the late submission of the same**). The petition was not accompanied by any of these required items, and an authorization to charge any fee deficiencies to a Deposit Account has not been located in the electronic file.

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

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[3] hand-delivery,[4] or facsimile.[5] Registered

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1 See Rule 1.137(d).
2 See M.P.E.P. § 711.03(c).
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.

users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[6]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[7]

Paul Shanoski
Senior Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

MITSUBISHI ELECTRIC RESEARCH LABORATORIES, INC.
201 BROADWAY
8TH FLOOR
CAMBRIDGE MA 02139

COPY MAILED
DEC 22 2009
OFFICE OF PETITIONS

In re Application of	:	
Jain et al.	:	
Application No. 12/210,289	:	DECISION ON RENEWED PETITION
Filed: September 15, 2008	:	PURSUANT TO
Attorney Docket No.: MERL-1997	:	37 C.F.R. § 1.137(B)
Title: METHOD AND SYSTEM FOR	:	
CLASSIFYING DATA IN SYSTEM WITH	:	
LIMITED MEMORY	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b), filed September 17, 2009, to revive the above-identified application.

This renewed petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 25, 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 November 26, 2008. A notice of abandonment was mailed on June 4, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R.

§ 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on June 10, 2009, along with the petition fee and the proper statement of unintentional delay. The original petition was dismissed via the mailing of a decision on August 24, 2009, which indicated that the second and third requirements of Rule 1.137(b) were satisfied, and that the fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

With this renewed petition, Petitioner has included the search and examination fees, along with the surcharge associated with the late submission of the same.

As such, the first requirement of Rule 1.137(b) has been satisfied.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing. Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the

---

1 See Rule 1.137(d).

undersigned at (571) 272-3225.[2]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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

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
DAVID WILLIAM MOSS

Application No. 12210320

Filed:

Attorney Docket No. 6410P3364

: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 15-SEP-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 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE MACLEAN - FOGG COMPANY,
C/O THE ALDEN LAW GROUP
2122 YORK ROAD, SUITE 180
OAK BROOK IL 60523

MAILED

SEP 01 2009

OFFICE OF PETITIONS

In re Application of :
Wei-Chung LIN et al. :
Application No. 12/210,325 :
Filed: September 15, 2008 :
Attorney Docket No. 22-9540-6520-0000-42 :

ON PETITION

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice to File Corrected Application Papers of Nonprovisional Application mailed September 29, 2008, which set a period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 30, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required drawings; (2) the petition fee of $1,620.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Corrected Application Papers of September 29, 2008 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Niketa I. Patel at 571-272-4156 or in her absence, the undersigned at 571-272-7099.

The application is being referred to the Office of Initial Patent Examination.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

MAILED

JUL 06 2010

OFFICE OF PETITIONS

In re Application of	:	
MURATOGLU, Orhun K. et al.	:	
Application No. 12/210,327	:	DECISION ON PETITION
Filed: September 15, 2008	:	TO WITHDRAW
Attorney Docket No. **49931-0205**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed June 02, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Jennifer A. Camacho does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/25/2010

Applicant	: David M. Parker	: DECISION ON REQUEST FOR
Patent Number	: 7665309	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/210,356	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/15/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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ROBERT M SCHWARTZ PA
PO BOX 221470
HOLLYWOOD FL 33022

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JUN 2 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Frank Levy	:	
Application No. 12/210,368	:	ON PETITION
Filed: September 15, 2008	:	
Attorney Docket No. LE 482.005	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed June 9, 2009.

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

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Corrected Application Papers, mailed September 26, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit a substitute specification and replacement drawings. No substitute specification and replacement drawings having been received, the application became abandoned on December 27, 2008. The Office mailed a Notice of Abandonment on June 9, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a substitute specification and replacement drawings.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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J C PATENTS
4 VENTURE, SUITE 250
IRVINE CA 92618

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Yu-Tong Lin, et al.	:	
Application No. 12/210,386	:	NOTICE
Filed: September 15, 2008	:	
Attorney Docket No. JCLA27141	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

This 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 Terri Johnson at (571) 272-2991.

Thurma T. Page for

Chris Bottorff
Petitions Examiner
Office of Petitions

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4 VENTURE, SUITE 250
IRVINE CA 92618

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DEC 0 7 2009

OFFICE OF PETITIONS

In re Application of	:	
Chien-Hua Chu, et al.	:	
Application No. 12/210,406	:	NOTICE
Filed: September 15, 2008	:	
Attorney Docket No. JCLA27763	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

This 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 Terri Johnson at (571) 272-2991.

for

Chris Bottorff
Petitions Examiner
Office of Petitions

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.
12/210,428	09/15/2008	Takaaki OYAMA	331854US0	6562

EXAMINER

7590 05/01/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

ART UNIT	PAPER NUMBER
3732	

NOTIFICATION DATE	DELIVERY MODE
05/01/2009	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:
05/01/2009 0030069547

Credit Card Refund Total: $510.00

Am Exp..: XXXXXXXXXXX1006

Adjustment date: 05/01/2009 NFARMER
09/15/2008 INTEFSW 00008439 12210428
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,496	09/15/2008	Masatoshi Yoshikawa	331927US2RD	6709

7590 05/28/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
05/28/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 05/28/2010 MFARMER
09/15/2008 INTEFSW 00000349 12210496
02 FC:1111 -510.00 OP

[illegible] 2382284222

Credit Card Refund Total: $510.00

[illegible]

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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Vedder Price/NSC
222 N. LASALLE STREET
SUITE 2400
CHICAGO, IL 60601

Mail Date: 04/27/2010

Applicant	: Zhenyong Zhang	: DECISION ON REQUEST FOR
Patent Number	: 7633327	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/210,504	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/15/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant	: Yin Tang	: DECISION ON REQUEST FOR
Patent Number	: 7592281	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/210,549	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/15/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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.
12/210,569	09/15/2008	Norihiro Tanabe	331851US8	6827

7590 08/26/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
NGUYEN, HOA T

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
08/26/2009	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:
08/27/2009 6338373744

Credit Card Refund Total: $510.00

Am Exp...: XXXXXXXXXXX1009

Adjustment date: 08/27/2009 NFARMER
09/16/2008 INTEFSW 00000938 12210569
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FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,620	09/15/2008	Adam Wax	1088-007	6930

27820 7590 04/09/2010
WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY, NC 27518

EXAMINER
LEE, HWA S

ART UNIT	PAPER NUMBER
2886	

MAIL DATE	DELIVERY MODE
04/09/2010	PAPER

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WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY, NC 27518

In re Application of: Adam Wax et al. Serial No.: 12/210,620 Filed: September 15, 2008 For: APPARATUSES, SYSTEMS, AND METHODS FOR LOW-COHERENCE INTERFEROMETRY (LCI)	DECISION ON PETITION UNDER 37 C.F.R. § 1.59

This is a response to the petition under 37 CFR 1.59(b), filed January 22, 2010, to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte* Quayle action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that a document entitled "Proposed Research Plan," by Adam Wax, filed concurrently with the petition, be expunged from the record. Petitioner states that the information is proprietary material that has not been made public and recognizes applicant's commitment to retain the document for the period of any patent that is issued from the above application. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

Richard K. Seidel, TC Director
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.
12/210,653	09/15/2008	David L. Simon	AEII-365-A	7005

48980 7590 02/22/2010
YOUNG BASILE
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY, MI 48084

EXAMINER
LEE, GUNYOUNG T

ART UNIT	PAPER NUMBER
2875	

NOTIFICATION DATE	DELIVERY MODE
02/22/2010	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):

docketing@youngbasile.com
audit@youngbasile.com

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P.O. Box 1450
Alexandria, VA 22313-1450
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YOUNG BASILE
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

In re Application of	:	
SIMON et al.	:	DECISION ON PETITION
Application No. 12/210,653	:	TO MAKE SPECIAL UNDER
Filed: 15 September 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. AEII-365-A	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11 December 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction

requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 1 above.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 362/249.030) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

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

The application is being forwarded to the Technology Center Art Unit 2875 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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George S. Bardmesser
Bardmesser Law Group
1025 Connecticut Avenue, N.W., Suite 1000
Washington, D.C 20006

MAILED

FEB 02 2009

TECHNOLOGY CENTER 2100

In re Application of:
Zaitsev
Serial No.: 12/210,732
Filed: September 15, 2008
Docket: 2402.0270000
For: **Method and System for Automatic Cure Against Malware**

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

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

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

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

REVIEW OF FACTS

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

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

Specifically, the text search strategy should be added to supplement the classified search performed. Here is an example search strategy that would complete this requirement.

1) ((sort$3 pars$3 filter$3) with (malware malicious suspicious virus attack intrusion)) same ((cure remedy kix$3 patch$3 countermeasure vulnerability) with quarantine$3)

2) (select$3 choos$3 pick$3) with (wizard)

3) (execut$3 run$4 load$3) with script

4) (generat$3 execut$3 run$4 load$3) with (fix$3 near6 script)

This strategy should or rough equivalent should be performed on a database that includes US Patents, US PG Pubs, Foreign Patents and Non Patent Literature.

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 **726 Information Security,** Subclass 25 (Vulnerability Assessment) for subject matter related to automatic cure against malware. This additional search area was confirmed with an examiner in the pertinent art area.

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
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,732	09/15/2008	OLEG V. ZAITSEV	2402.0270000	7142

54089 7590 02/02/2009
BARDMESSER LAW GROUP, P.C.
1025 CONNECTICUT AVENUE, N.W.
SUITE 1000
WASHINGTON, DC 20006

EXAMINER
MOAZZAMI, NASSER G

ART UNIT	PAPER NUMBER
2436	

MAIL DATE	DELIVERY MODE
02/02/2009	PAPER

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

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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
Serial No.: 12/210,732
Filed: September 15, 2008
Docket: 2402.0270000
For: **Method and System for Automatic Cure Against Malware**

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 February 25, 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 September 15, 2008 was dismissed in the decision mailed on February 2, 2009.

The petition to make the application special is GRANTED as the supplemental Pre-Examination Search Document meets the requirements of condition II 5.2.

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 claim 1) 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 (QAS), at (571) 272-3612. A second point of contact is QAS Kim Huynh at (571)-272-4147

Tod R Swann
Quality Assurance Specialist
Technology Center 2400
Computer Security, Architecture and Software

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,732	09/15/2008	OLEG V. ZAITSEV	2402.0270000	7142

54089 7590 03/30/2009
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EXAMINER
CERVETTI, DAVID GARCIA

ART UNIT	PAPER NUMBER
2436	

MAIL DATE	DELIVERY MODE
03/30/2009	PAPER

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,761	09/15/2008	Edward Shnekendorf	036191.011400	7197

22191 7590 02/19/2010
GREENBERG TRAURIG, LLP (DC/ORL)
2101 L Street, N.W.
Suite 1000
Washington, DC 20037

EXAMINER
LEE, THOMAS C

ART UNIT	PAPER NUMBER
2115	

NOTIFICATION DATE	DELIVERY MODE
02/19/2010	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):

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SANTOSV@gtlaw.com

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Alexandria, VA 22313-1450
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GREENBERG TRAUGRIG, LLP
2101 L Street, N. W.
Suite 1000
Washington DC 20037

In re Application of	:	
SHENKENDORF, Edward et al.	:	DECISION ON PETITION
Application No. 12/210,761	:	TO MAKE SPECIAL UNDER
Filed: September 15, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 036191.011400	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 22, 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) 4 above for the reasons 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.

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 Eddie C. Lee at 571-272-1732.

The application is being forwarded to the Technology Center Art Unit 2115 for action in its regular turn.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,761	09/15/2008	Edward Shnekendorf	036191.011400	7197

22191 7590 04/08/2010
GREENBERG TRAURIG, LLP (DC/ORL)
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EXAMINER
PATEL, NITIN C

ART UNIT	PAPER NUMBER
2116	

NOTIFICATION DATE	DELIVERY MODE
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Please find below 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):

DCIPMAIL@gtlaw.com
SANTOSV@gtlaw.com

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Suite 1000
Washington DC 20037

In re Application of	:	
SHENKENDORF, Edward et al.	:	DECISION ON PETITION
Application No. 12/210,761	:	TO MAKE SPECIAL UNDER
Filed: September 15, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 036191.011400	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed March 22, 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 Eddie C. Lee at 571-272-1732.

The application is being forwarded to the Technology Center Art Unit 2115 for action on the merits commensurate with this decision.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

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MAILED

APR 22 2010

OFFICE OF PETITIONS

PATENT ADMINISTRATOR
CHEMTURA CORPORATION
199 Benson Road
Middlebury CT 06759

In re Application of	:	
Shawn H. Lin	:	
Application No. 12/210,766	:	DECISION ON PETITION
Filed: September 15, 2008	:	
Attorney Docket No. 042513.0231.DIV	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 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 June 11, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 12, 2009. A Notice of Abandonment was mailed on December 28, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

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

This application is being referred to Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the reply received January 12, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Keith DS Fredlake
Katten Muchin Rosenman, LLP
2900 K Street, NW, Suite 200
Washington, DC 20007-5118

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of
STEVEN M. COHEN ET AL.
Application No. 12/210,799
Filed: September 15, 2008
Attorney Docket No. **03875.001400.**

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 3, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information 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/
JoAnne Burke
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,845	09/15/2008	Ghulam Hasnain	54870	7371

28241 7590 02/22/2010
THE LAW OFFICES OF CALVIN B. WARD
18 CROW CANYON COURT, SUITE 305
SAN RAMON, CA 94583

EXAMINER
LEBENTRITT, MICHAEL

ART UNIT	PAPER NUMBER
2829	

MAIL DATE	DELIVERY MODE
02/22/2010	PAPER

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

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

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THE LAW OFFICES OF CALVIN B. WARD
18 CROW CANYON COURT, SUITE 305
SAN RAMON CA 94583

In re Application of	:	
Ghulam HASNAIN	:	DECISION ON PETITION
Application No. 12/210,845	:	TO MAKE SPECIAL UNDER
Filed: 15 September 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 54870	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 20 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 2829 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.
12/210,851	09/15/2008	Russell Meier	USPA0430	7379

33512 7590 12/09/2008
HAMILTON IP LAW, PC
331 W. 3RD ST.
NEW VENTURES CENTER SUITE 120
DAVENPORT, IA 52801

EXAMINER	
ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
12/09/2008	PAPER

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

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

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CST

12/9/08

In re application of
Russell J. Meier
Serial No. 12/210,851
Filed: September 15, 2008
For: METHOD OF PRODUCING DRIED DISTILLERS GRAIN WITH SOLUBLES AGGLOMERATED PARTICLES

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on September 15, 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 426, subclasses 31 and 624 is also required.

With respect to the references discussed in the Accelerated Examination Support Document (AESD) on pages 6-10, while petitioner discusses the cited references and their relevance to claim 1 in detail, petitioner has failed to identify where each and every limitation of all of the claims are disclosed in the cited references. For example, independent claim 19 recites process steps (a) thru (p), however it is unclear precisely which steps are actually taught by the cited references. It appears that petitioner has focused on the items in independent claims 12 and 19 which the references lack, rather than mapping each and every limitation of the claims to the corresponding teaching in the cited reference. Similarly, applicant is required to show how the cited references correspond to the dependent claims as well.

It is further 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 provisional application 60/994,035 as applicant has claimed priority to this application.

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.
12/210,851	09/15/2008	Russell Meier	USPA0430	7379

33512 7590 02/05/2009
HAMILTON IP LAW, PC
331 W. 3RD ST.
NEW VENTURES CENTER SUITE 120
DAVENPORT, IA 52801

EXAMINER

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
02/05/2009	PAPER

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

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

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CST

2/5/09

In re application of Russell J. Meier Serial No. 12/210,851 Filed: September 15, 2008 For: METHOD OF PRODUCING DRIED DISTILLERS GRAIN WITH SOLUBLES AGGLOMERATED PARTICLES	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 January 8, 2009 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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1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAIL

OCT 06 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of ONIZAWA, MASASHI Application No. 12/210,907 Filed: September 15, 2008 Attorney Docket No. **8074P468**	: : : : : : :	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 28, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to 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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RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

COPY MAILED

DEC 2 2 2008

OFFICE OF PETITIONS

In re Application of :
Kang :
Deposited: September 15, 2008 : ON PETITION
Application No. 12/210,927 :
Atty. Dkt. No.: SHIN-194 :

This decision in response to the "PETITION UNDER 37 CFR §1.57(a) TO ACCORD A FILING DATE AND TO ADD INADVERTENTLY OMITTED DRAWINGS TO THE APPLICATION," filed October 9, 2008 to accord the instant application a filing date of September 15, 2008.

The application was deposited on September 15, 2008. The Notice of Incomplete Nonprovisional Application (Notice) mailed September 30, 2008 indicated that the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 35 USC 113.

The Notice indicated that the filing date would be the date of receipt of all items indicated as omitted, unless otherwise indicated in the Notice. The Notice required that any assertions that the item(s) were submitted or were not necessary for a filing date, must be by way of petition (accompanied by required petition fee).

The Notice further indicated that if the application contained a priority claim under 37 CFR 1.55 or benefit claim under 37 CFR 1.78 of a prior-filed application that was present on the filing date of the application and applicants want to rely on 37 CFR 1.57(a) to add inadvertently omitted material to the above-identified application, applicants must file a petition under 37 CFR 1.57(a) accompanied by the $400.00 petition fee (37 CFR 1.17(f)) within TWO MONTHS of the date of this Notice.

Petitioner states:

> "This application (in the original specification and inventor declaration) contains a claim under § 1.55 for priority of a prior-filed foreign application (Korean

patent application No. 10-2007-0094044). Drawings were inadvertently omitted from the application. Additionally attached to this Petition are a copy of the Korean patent application No. 10-2007-0094044 and an English translation thereof, which includes the drawings. Figures 1 to 8 can be found at pages 73 to 81 of the Korean application. Accordingly, the inadvertently omitted drawings (Figures 1 to 8 with English text, corresponding to Figure 1 to 8 of the Korean application) are completely contained in the Korean application, and it is submitted that the addition of Figures 1 to 8 with English text complies with the requirements of 37 CFR 1.57."

In accordance with 37 CFR 1.57 and MPEP 201.17, the following conditions and requirements need to be met for an applicant to add omitted material to an application pursuant to 37 CFR 1.57(a):

(A) the application must have been filed on or after September 21, 2004;
(B) all or a portion of the specification or drawing(s) must have been inadvertently omitted from the application;
(C) a claim under 37 CFR 1.55 for priority of a prior filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, must have been present on the filing date of the application;
(D) the inadvertently omitted portion of the specification or drawing(s) must be completely contained in the prior-filed application;
(E) applicant must file an amendment to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by 37 CFR 1.114(b), or abandonment of the application, whichever occurs earlier;
(F) if the application is not otherwise entitled to a filing date, applicant must also file a petition and the amendment under 37 CFR 1.57(a)(3) accompanied by the petition fee set forth in 37 CFR 1.17(f);
(G) applicant must supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(H) applicant must supply an English language translation of any prior-filed application that is in a language other than English; and

(I) applicant must identify where the inadvertently omitted portion of the specification or drawing(s) can be found in the prior-filed application.

As the instant application is not otherwise entitled to a filing date, the petition under 37 CFR 1.57(a) is required to include an amendment to the specification to include the previously omitted drawings. Thus, the petition fails to satisfy requirement (F) set forth above in that the petition lacks the required amendment to the specification. Furthermore, the requirement (H) has not been complied with since a translation has not been provided.

In view thereof, the petition under 37 CFR 1.57(a) is hereby **DISMISSED**.

Petitioner is given TWO MONTHS from the mailing date of this decision to reply. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.57(a)," and should only address the deficiencies noted herein. The time period for reply **is not** extendible pursuant to 37 CFR 1.136.

The required petition fee of $400.00 will not be refunded since the petition was necessary to correct petitioners' filing error.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Anthony Knight
Supervisor
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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MANNAVA & KANG, P.C.
11240 WAPLES MILL ROAD
Suite 300
FAIRFAX VA 22030

COPY MAILED

MAR 25 2009

OFFICE OF PETITIONS

In re Application of
Kang
Filed: September 15, 2008
Application No. 12/210,927
Atty. Dkt. No.: P07H6006/US

ON PETITION

This decision in response to the renewed petition under 37 CFR 1.57(a), filed January 13, 2009, to accord the instant application a filing date of September 15, 2008.

The application was deposited on September 15, 2008. The Notice of Incomplete Nonprovisional Application (Notice) mailed September 30, 2008 indicated that the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 35 USC 113.

The Notice indicated that the filing date would be the date of receipt of all items indicated as omitted, unless otherwise indicated in the Notice. The Notice required that any assertions that the item(s) were submitted or were not necessary for a filing date, must be by way of petition (accompanied by required petition fee).

The Notice further indicated that if the application contained a priority claim under 37 CFR 1.55 or benefit claim under 37 CFR 1.78 of a prior-filed application that was present on the filing date of the application and applicants want to rely on 37 CFR 1.57(a) to add inadvertently omitted material to the above-identified application, applicants must file a petition under 37 CFR 1.57(a) accompanied by the $400.00 petition fee (37 CFR 1.17(f)) within TWO MONTHS of the date of this Notice.

A petition under 37 CFR 1.57(a) was filed October 9, 2008 and dismissed December 22, 2008 for failing to comply with (F) and (H) set forth below.

Petitioner states:

"This application (in the original specification and inventor declaration) contains a claim under § 1.55 for priority of a prior-filed foreign application (Korean patent application No. 10-2007-0094044). Drawings were inadvertently omitted from the application. Additionally attached to this Petition are a copy of the Korean patent application No. 10-2007-0094044 and an English translation thereof, which includes the drawings. Figures 1 to 8 can be found at pages 73 to 81 of the Korean application. Accordingly, the inadvertently omitted drawings (Figures 1 to 8 with English text, corresponding to Figure 1 to 8 of the Korean application) are completely contained in the Korean application, and it is submitted that the addition of Figures 1 to 8 with English text complies with the requirements of 37 CFR 1.57."

In accordance with 37 CFR 1.57 and MPEP 201.17, the following conditions and requirements need to be met for an applicant to add omitted material to an application pursuant to 37 CFR 1.57(a):

(A) the application must have been filed on or after September 21, 2004;
(B) all or a portion of the specification or drawing(s) must have been inadvertently omitted from the application;
(C) a claim under 37 CFR 1.55 for priority of a prior filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, must have been present on the filing date of the application;
(D) the inadvertently omitted portion of the specification or drawing(s) must be completely contained in the prior-filed application;
(E) applicant must file an amendment to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by 37 CFR 1.114(b), or abandonment of the application, whichever occurs earlier;
(F) if the application is not otherwise entitled to a filing date, applicant must also file a petition and the amendment under 37 CFR 1.57(a)(3) accompanied by the petition fee set forth in 37 CFR 1.17(f);

(G) applicant must supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
(H) applicant must supply an English language translation of any prior-filed application that is in a language other than English; and
(I) applicant must identify where the inadvertently omitted portion of the specification or drawing(s) can be found in the prior-filed application.

The instant renewed application has been carefully reviewed and found in compliance with the above-set forth requirements. The drawings are accompanied by the required amendment, as per (F), and the English language translation appears in the record, having been submitted October 9, 2008.

In view thereof, the petition under 37 CFR 1.57(a) is hereby **GRANTED**.

This application is being forwarded to the Office of Patent Application Processing for accordance of a filing date of September 15, 2008 with entry into the record of the previously inadvertently omitted drawings.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,934	09/15/2008	Soo-Kwan Jang	62016/P849	7525

7590 11/03/2009
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
11/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOLLAND & HART LLP
60 E. South Temple, Suite 2000
P.O. Box 11583
Salt Lake City UT 841101

COPY MAILED

JAN 19 2010

In re Application of	:	
Kenny Clark Jones et al.	:	
Application No. 12/211,002	:	DECISION ON PETITION
Filed: September 15, 2008	:	TO WITHDRAW
Attorney Docket No. 52109.0021	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 1, 2009.

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because no forwarding address was provided. The new correspondence address should be that of the first signing inventor or and assignee who has properly intervened in this application. If applicable, **See** 37 CFR 3.73(b).

When filing a renewed request for withdrawal of attorney, a copy of the actual assignment or a Statement under 37 CFR 3.73(b) should be provided.

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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Alexandria, VA 22313-1450
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HOLLAND & HART LLP
60 E. South Temple, Suite 2000
P.O. Box 11583
Salt Lake City UT 84110

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FEB 16 2010

In re Application of	:	
Kenny Clark Jones et al.	:	
Application No. 12/211,002	:	DECISION ON PETITION
Filed: September 15, 2008	:	TO WITHDRAW
Attorney Docket No. 52109.0021	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 25, 2010.

The request is **APPROVED**.

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

The request was signed by L. Grant Foster on behalf of attorney/agents associated with customer number 57600. All attorneys/agents associated with customer number 57600 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Kenny Clark Jones
406 North 1420 East
Provo, UT 84606

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/211,002	09/15/2008	Kenny Clark Jones	52109.0021

CONFIRMATION NO. 7632

POWER OF ATTORNEY NOTICE

57600
HOLLAND & HART LLP
60 E. South Temple, Suite 2000
P.O. Box 11583
Salt Lake City, UT 84110

OC000000040118834

Date Mailed: 02/17/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/25/2010.

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

/kainabinet/

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

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

MAILED

JUN 2 1 2010

OFFICE OF PETITIONS

In re Application of Bose, et al. Application No. 12/211,005 Filed: September 15, 2008 Attorney Docket No. 271588010US1	: : : : :	DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed April 29, 2010, 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 AU 1615 for consideration of the amendment filed April 29, 2010.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/211,005	09/15/2008	1615	880	271588010US1	31	4

CONFIRMATION NO. 7638

CORRECTED FILING RECEIPT

25096
PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

OC000000042100743

Date Mailed: 06/16/2010

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

Applicant(s)

Susmita Bose, Pullman, WA;
Amit Bandyopadhyay, Pullman, WA;
Weichang Xue, Suzhou, CHINA;

Assignment For Published Patent Application

Washington State University, Pullman, WA

Power of Attorney: The patent practitioners associated with Customer Number 25096

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/972,619 09/14/2007

Foreign Applications

WORLD INTELLECTUAL PROPERTY ORGANIZATION WO/2007/124511 04/25/2007

If Required, Foreign Filing License Granted: 09/24/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/211,005**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

MESOPOROUS CALCIUM SILICATE COMPOSITIONS AND METHODS FOR SYNTHESIS OF MESOPOROUS CALCIUM SILICATE FOR CONTROLLED RELEASE OF BIOACTIVE AGENTS

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Paper No.

KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York NY 10036

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AUG 2 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Kurt Stiehl	:	
Application No. 12/211,034	:	DECISION ON PETITION
Filed: September 15, 2008	:	PURSUANT TO
Attorney Docket No.: P6168US1	:	37 C.F.R. § 1.137(B)
Title: LOW PROFILE PLUGS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed June 10, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed October 1, 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 December 2, 2008. A notice of abandonment was mailed on June 10, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply

until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, the basic filing, search, and examination fees along with the surcharge associated with the late submission of the same, fees for excess claims, and the proper statement of unintentional delay.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

Petitioner has also submitted a three-month extension of time. An extension of time under 37 C.F.R. § 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[2] Accordingly, since the $2,350 extension of time submitted with the petition on June 10, 2009 was filed subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Petitioner's Deposit Account in due course.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

---

1 See Rule 1.137(d).
2 See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

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.

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.

Paul Shanoski
Senior Attorney
Office of Petitions

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MAY 13 2010

OFFICE OF PETITIONS

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

Applicant: Qin Yu, et al.
Appl. No.: 12/211,073
Filing Date: September 15, 2008
Title: REGULATION OF THE FUNCTION OF ANGIOPOIETIN
Attorney Docket: 130694.00211
Pub. No.: US 2009/0209462 A1
Pub. Date: August 20, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 25, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

APR 23 2009

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United States Patent and Trademark Office
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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
Larry D. Knerr	:
Serial No.: 12/211,146	: PETITION DECISION
Filed: September 16, 2008	:
Attorney Docket No.: **1484-027**	

This is in response to the petition under 37 CFR § 1.59(b), filed March 5, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on March 5, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

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

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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 2 9 2009

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

In re Application of:	:
Larry D. Knerr	: PETITION DECISION
Serial No.: 12/211,146	:
Filed: September 16, 2008	:
Attorney Docket No.: 1484-027	

This is in response to the renewed petition under 37 CFR § 1.59(b), filed June 26, 2009, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on March 5, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

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

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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Jones Day (RIM) - 2N
North Point
901 Lakeside Avenue
Cleveland OH 44114

COPY MAILED
JAN 11 2010

Applicant: Maguire, et al.
Appl. No.: 12/211,223
Filing Date: September 16, 2008
Title: USER INTERFACE AND METHOD OF VIEWING UNIFIED COMMUNICATIONS EVENTS ON A MOBILE DEVICE
Attorney Docket No.: 555255-012999
Pub. No.: 2009/0011741 A1
Pub. Date: January 8, 2009

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on March 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 on the front page of the publication wherein some of the benefit claim data is not printed.

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

The instant request does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the benefit claim. The benefit claim provided by Applicant on page 1 of the specification, which states "This application is a divisional of United States Patent Application No. 10/500,269 . . . This application also claims the benefit of priority from U.S. Provisional Application 60/342,130 . . .".

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

The initial filing receipt did not include the provisional application because the filing date of the provisional application is more than one year prior to the filing date of the application. The Corrected Filing Receipt mailed on March 18, 2009 was done in error. A new Corrected Filing Receipt deleting the reference to the provisional application will be mailed by the Office.

On October 1, 2008, a Filing Receipt was mailed by the Office, which listed the benefit claim. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on March 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.

Pursuant to 37 CFR 1.78(a)(2), the specific reference must identify the parent application by application number and indicate the relationship to the parent application (i.e., "continuation" or "continuation-in-part"). Accordingly, any benefit claim that does not both identify a prior application by its application number and specify a relationship between the applications will not be considered to contain a specific reference to a prior application as required by 35 U.S.C. 120. As stated in MPEP 201.11, applicant must specify whether the application is a continuation, divisional, or continuation-in-part of the prior application. The terms are exclusive. An application cannot be both a continuation and a divisional or a continuation and a continuation-in-part of the same application. Moreover, if the benefit of more than one nonprovisional application is claimed, then the relationship between each application (i.e., continuation, divisional, or continuation-in-part) must be specified in order to establish copendency throughout the entire chain of prior-filed applications.

In order to make a late benefit claim to the earlier filed applications, applicant may be able to submit a petition to accept an unintentionally delayed claim under 35 U.S.C. 119 and 120 for the benefit of the earlier filed applications. A petition pursuant to 37 CFR 1.55 or 37 CFR 1.78 must include 1) the surcharge ($1410) set forth in 37 CFR 1.14(t) and 2) a statement that the entire delay between the date the claim was due under paragraph (a)(5) of this section and the date the claim was filed was unintentional. The petition must also include a proper reference to the prior applications in order for the petition to be granted.

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, 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

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Mail Date: 04/27/2010

Applicant	: Vincenzo Tomarchio	: DECISION ON REQUEST FOR
Patent Number	: 7608570	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/211,305	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/16/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/211,311	09/16/2008	John E. Bacino	GT/117D	8191

28596 7590 05/14/2009
GORE ENTERPRISE HOLDINGS, INC.
551 PAPER MILL ROAD
P. O. BOX 9206
NEWARK, DE 19714-9206

EXAMINER
MENON, KRISHNAN S

ART UNIT	PAPER NUMBER
1797	

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.

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CST

MAY 14 2009

In re application of John E. Bacino et al Serial No. 12/211,311 Filed: September 16, 2008 For: POROUS PTFE MATERIALS AND ARTICLES PRODUCED THEREFROM	:	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on May 11, 2009 to make the above-identified application special based on materially enhancing the environment.

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

REGULATION AND PRACTICE

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

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

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

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

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application contains greater than twenty claims (there are 32 claims), and there are more than three independent claims.

Furthermore, the application, at the time of filing, was not complete and in condition for examination. Note, specifically, the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed on October 1, 2008, which indicates that the application was not in condition for examination at the time of filing.

MPEP 708.02(a), section VIII further states:

> The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (e.g., a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (subsection II above) does not apply to applications that are not in condition for examination on filing.

Also, the petition to make special was not filed on the same day as the application as required by MPEP 708.02(a).

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/211,410	09/16/2008	MICHAEL BEHLING	BEHLING-2	8381

20151 7590 06/18/2010
HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK, NY 10017

EXAMINER
JANCA, ANDREW JOSEPH

ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
06/18/2010	ELECTRONIC

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

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

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

INFO@FEIEREISENLLC.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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June 17, 2010

CST

In re application of Michael Behling et al Serial No. 12/211,410 Filed: September 16, 2008 For: SCREW ELEMENT FOR USE AS A KNEADING ELEMENT IN A PLASTICIZING UNIT	: : : : : : : :	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 April 12, 2010.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the DPMA, note where the DPMA 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 DPMA application with similar claims and the DPMA priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the DPMA 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 DPMA 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:
      a copy of the office action(s) from each of the DPMA application(s) containing the allowable/patentable claims(s);
   b. An English language translation of the DPMA Office action; and
   c. A statement that the English translation is accurate;

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

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

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

(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 DPMA application(s).

Claims 2, 3, 6 and 7 of the present application do not appear to correspond to any of the claims indicated as allowable by the DPMA. It is noted that the PPH program with the JPO and the PPH program involving PCT's both allow applicant to add claims in the US application which are narrower in scope than those allowed by the other patent office, however the PPH program between the DPMA and the USPTO does not currently allow applicant to add dependent claims which are narrower in scope to those indicated as allowable by the DPMA.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/211,450	09/16/2008	Fang Lu	AUS920071007US1	8449

82294 7590 05/18/2009
IBM CORPORATION (ACCSP)
c/o Suiter Swantz pc llo
14301 FNB Parkway, Suite 220
Omaha, NE 68154

EXAMINER
HONG, STEPHEN S

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
05/18/2009	PAPER

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

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

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IBM CORPORATION (ACCSP)
c/o Suiter Swantz pc llo
14301 FNB Parkway, Suite 220
Omaha NE 68154

In re Application of:
Fang Lu et al.
Serial No.: 12/211,450
Filed: September 16, 2008
Docket: AUS920071007US1

Title: METHOD FOR READING A SCREEN

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 revised petition filed on September 16, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to 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.
12/211,452	09/16/2008	Kazuaki KURIHARA	082209	8451

7590 07/14/2010
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER
NGUYEN, HOA T

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
07/14/2010	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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Stephen D. Shoap

Application No. 12211517

Filed: September 16,2008

Attorney Docket No. SHOAP.1001

: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 16-FEB-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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MAILED

MAY 22 2009

OFFICE OF PETITIONS

CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

In re Application of
NORMA CATHERINE MATHESON
Application No. 12/211,541
Filed: September 16, 2008
Attorney Docket No. 21854-00038-US2

DECISION ON PETITION

This is in response to the petition under 37 CFR 1.57(a), filed November 24, 2008, requesting that the above-referenced application be accorded a filing date of September 16, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2).[1]

The application papers in the above-identified application were deposited on September 16, 2008. However, on October 2, 2008, the Office of Patent Application Processing mailed applicant a Notice of Incomplete Nonprovisional Application notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings. Additionally, the Notice stated that an oath or declaration was missing. In response, applicant timely filed this petition, accompanied by an executed declaration, two sheets of drawings, and the petition fee. Applicant requests that the application include the inadvertently omitted drawings on the basis that the application as filed contained a benefit claim under 37 CFR 1.78, as well as incorporated by reference the parent application No. 10/482,384.

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

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

[1] Any request for review of a notification pursuant to § 1.53(e)(1), or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to § 1.53(e) accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition, the filing date of an application in which the applicants were notified of a filing error pursuant to § 1.53(e)(1) will be the date the filing error is corrected.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application. Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP § 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicants may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that any amendment requesting entry of the inadvertently omitted drawing(s) must comply with 37 CFR 1.57(a) and 37 CFR 1.121 and will be considered by the examiner. See MPEP § 201.17.

The petition is **GRANTED** to the extent the instant application will be accorded a filing date of September 16, 2008, with no drawings as part of the original disclosure. Given the basis for granting this petition, the $400.00 petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to September 16, 2008;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing, and;**
- **for issuance of a filing receipt.**

Applicant may request entry of the omitted figures by filing an amendment with the examiner prior to the first Office action on the merits. The determination of new matter will be made by the examiner.

Telephone inquiries concerning this matter may be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Anthony Knight
Supervisor
Office of Petitions

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

JUL 20 2010

OFFICE OF PETITIONS

BRANDON N. SKLAR. ESQ. (PATENT PROSECUTION)
KAYE SCHOLER, LLP
425 PARK AVENUE
NEW YORK NY 10022-3598

In re Application of
VERGITH et al.
Application No. 12/211,586
Filed: September 16, 2008
Attorney Docket No. 25236.1010

DECISION ON PETITIONS
UNDER 37 CFR 1.48(a)
AND 37 CFR 1.182

This is a decision on the Petition under 37 C.F.R. § 1.48(a) to Request to Correct Inventorship and the Petition under 37 C.F.R. § 1.182 to Correct Order of Inventors, which were concurrently filed on February 20, 2009. The requisite $130.00 processing fee as set forth under 37 CFR 1.17(i) (Fee Code 1808) and required by 37 CFR 1.48(a)(4) for the filing of the present petition to correct the inventorship has been submitted. The requisite $400.00 petition fee as set forth under 37 CFR 1.17(f) (Fee Code 1462) and required by 37 CFR 1.182 for the filing of the present petition to correct the order of inventors has also been submitted.

The Petition to Correct Inventorship is **GRANTED**.

The Petition to Correct the Order of Inventors is **GRANTED**.

In view of the papers filed November 20, 2009, is has been found that this non-provisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship has been changed by adding John P. Quigley as an inventor.

In addition, the order of the names of the inventors will be changed as follows:

1. Nicholas D. Vergith

2. David A. Garrett

3. John P. Quigley.

Note that this order of inventors is used on the executed declaration that accompanied the present petitions.

A Corrected Filing Receipt reflecting the above change of inventorship is enclosed.

This matter is being referred to Technology Center AU 2913 to await examination.

Telephone inquiries concerning this decision may be directed to Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/211,586	09/16/2008	2871	1410	25236.1010	25	3

CONFIRMATION NO. 8715

CORRECTED FILING RECEIPT

41881
BRANDON N. SKLAR. ESQ. (PATENT PROSECUTION)
KAYE SCHOLER, LLP
425 PARK AVENUE
NEW YORK, NY 10022-3598

OC000000042659139

Date Mailed: 07/20/2010

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

Applicant(s)

Nicholas D. Vergith, Holly, MI;
David A. Garrett, Shelby Township, MI;
John P. Quigley, Rochester Hills, MI;

Assignment For Published Patent Application

General Dynamics Land Systems, Sterling Heights, MI

Power of Attorney: The patent practitioners associated with Customer Number 000041881

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/26/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/211,586**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

LOW STRESS MOUNTING SUPPORT FOR RUGGEDIZED DISPLAYS

Preliminary Class

349

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/211,587	09/16/2008	Masaki MIYOSHI	KOT0392US	8716

7590 11/02/2009

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

EXAMINER

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
11/02/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 10/30/2009 NFARMER
09/17/2008 INTEFSW 00011515 061130 12211587
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

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MAR 26 2009

TECHNOLOGY CENTER 2100

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
6TH FLOOR
DALLAS, TX 75201

In re Application of: AWADALLAH et. al.
Serial No.: **12/211,606**
Filed: September 16, 2008
Docket: 074175.0177
For: SYSTEM AND METHOD FOR DETECTING INTERNET BOTS

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

This is a decision on the petition filed on September 16, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the time of filing.

The mailing of a Notice to File Corrected Application Papers mailed on September 19, 2008 is evidence that the application was incomplete and not in condition for examination at the time of filing. The drawings submitted on September 16, 2008 contain illegible marks with alternations, overwriting, interlineations, folds, copy marks and other problems failing to comply with 37 CFR

1.51(b)(3) and 37 CFR 1.81(p) making the application not 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 the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/thn/

Beatriz Prieto

Beatriz Prieto, WQAS
Technology Center 2400
Network, Multiplexing, Cable and Security

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THE LAW OFFICE OF RICHARD S ERBE
P.O. BOX 418
5380 SENECA PLACE
SIMI VALLEY CA 93062

NOV 04 2008

In re Application of: JIMENEZ, JESUS MARTINEZ Serial No.: 12/211,665 Filed: September 16, 2008 Title: ENERGY RE-CLAIMER	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 23, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d), applications and petitions must be filed 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), effective August 25, 2006. The filing is missing, *inter alia*, a pre-examination search document, an Accelerated Examination Support Document, and form PTO/SB/28.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. A copy of Federal Register of June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. Notably, special status based upon categories such as manufacture, infringement, environmental quality, conservation of energy resources, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities are no longer available (see in above cited notice, p. 36324, col. 1, l. 47 to col. 2, l. 5). Further guidance may be found at www.USPTO.gov under the accelerated examination link.

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

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

Ehud Gartenberg
Special Program Examiner
Technology Center 3700
Encl. "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).

(2) Activities will be initiated before dusk;

(3) Construction noises must be kept constant (i.e., not interrupted by periods of quiet in excess of 30 minutes) while pinnipeds are present;

(4) If activities cease for longer than 30 minutes and pinnipeds are in the area, start-up of activities will include a gradual increase in noise levels;

(5) A NMFS-approved marine mammal observer will visually monitor the pinnipeds on the beach adjacent to the harbor and on rocks for any flushing or other behaviors as a result of Boeing's activities (see Monitoring); and

(6) To the extent possible, the *Delta Mariner* and accompanying vessels will enter the harbor only when the tide is too high for harbor seals to haul-out on the rocks. The vessel will reduce speed 1.5 to 2 knots (2.8–3.7 km/hr) once the vessel is within 3 mi (4.83 km) of the harbor. The vessel will enter the harbor stern first, approaching the wharf and mooring dolphins at less than 0.75 knot (1.4 km/hr).

Monitoring

As part of its 2002 application, Boeing provided a proposed monitoring plan for assessing impacts to harbor seals from the activities at south VAFB harbor and for determining when mitigation measures should be employed. NMFS proposes the same plan for this IHA.

A NMFS-approved and VAFB-designated biologically trained observer will monitor the area for pinnipeds during all harbor activities. During nighttime activities, the harbor area will be illuminated, and the monitor will use a night vision scope. Monitoring activities will consist of:

(1) Conducting baseline observation of pinnipeds in the project area prior to initiating project activities;

(2) Conducting and recording observations on pinnipeds in the vicinity of the harbor for the duration of the activity occurring when tides are low enough for pinnipeds to haul out (2 ft, 0.61 m, or less); and

(3) Conducting post-construction observations of pinniped haul-outs in the project area to determine whether animals disturbed by the project activities return to the haul-out.

Monitoring results from previous years of these activities have been reviewed and incorporated into the analysis of potential effects in this document, as well as the take estimates.

Reporting

Boeing will notify NMFS 2 weeks prior to initiation of each activity. After each activity is completed, Boeing will provide a report to NMFS within 90 days. This report will provide dates and locations of specific activities, details of seal behavioral observations, and estimates of the amount and nature of all takes of seals by harassment or in other ways. In addition, the report will include information on the weather, the tidal state, the horizontal visibility, and the composition (species, gender, and age class) and locations of haul-out group(s). In the unanticipated event that any marine mammal is injured or killed as a result of these activities, Boeing or its designee shall report the incident to NMFS immediately.

Endangered Species Act

This action will not affect species listed under the Endangered Species Act (ESA) that are under the jurisdiction of NMFS. VAFB formally consulted with U.S. Fish and Wildlife Service (FWS) in 1998 on the possible take of southern sea otters during Boeing's harbor activities at south VAFB. A Biological Opinion was issued in August 2001, which concluded that the proposed activities were not likely to jeopardize the continued existence of the southern sea otter. The activities covered by this IHA are analyzed in that Biological Opinion, and this IHA does not modify the action in a manner that was not previously analyzed.

National Environmental Policy Act

In 2001, the USAF prepared an Environmental Assessment (EA) for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base. In 2005, NMFS prepared an EA supplementing the information contained in the USAF EA and issued a Finding of No Significant Impact (FONSI) on the issuance of an IHA for Boeing's harbor activities in accordance with section 6.01 of the National Oceanic and Atmospheric Administration Administrative Order (NAO) 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). The proposed activity is within the scope of NMFS'2005 EA and FONSI.

Conclusions

NMFS has issued an IHA to Boeing for harbor activities related to the Delta IV/EELV to take place at south VAFB over a 1-year period, contingent upon adherence to the previously mentioned mitigation, monitoring, and reporting requirements. NMFS has determined that the impact of harbor activities related to the Delta IV/EELV at VAFB (transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat mitigation) will result in the Level B Harassment of small numbers of Pacific harbor seals, California sea lions, and northern elephant seals. The effects of Boeing's harbor activities are expected to be in the form of short-term and localized behavioral changes and no take by injury or death is anticipated or authorized. NMFS has further determined that these takes will have a negligible impact on the affected marine mammal species and stocks and will not have an unmitigable adverse impact on the availability of such marine mammal species and stocks for subsistence uses.

Authorization

NMFS has issued an IHA to take marine mammals, by Level B harassment, incidental to conducting harbor activities at VAFB to Boeing for a 1-year period, provided the mitigation, monitoring, and reporting requirements are undertaken.

Dated: June 19, 2006.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–10044 Filed 6–23–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2006–0014]

Changes to Practice for Petitions in Patent Applications To Make Special and for Accelerated Examination

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) has established procedures under which the examination of a patent application may be accelerated. Under one of these procedures, the USPTO will advance an application out of turn for examination if the applicant files a grantable petition to make special under the accelerated examination program. The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the recently announced Patent Prosecution Highway (PPH) pilot program between the USPTO and the Japan Patent Office.

DATES: *Effective Date:* The change in practice in this notice applies to

petitions to make special filed on or after August 25, 2006.

FOR FURTHER INFORMATION CONTACT: Pinchus Laufer, Detailee, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272–7726, or by facsimile at (571) 273–7726. Comments concerning petition to make special practice may be sent by electronic mail message over the Internet addressed to *MPEPFeedback@uspto.gov*, or submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313–1450.

Any inquiries concerning electronic filing of the application should be directed to the Electronic Business Center (EBC) at (866) 217–9197. Any inquiries concerning a specific petition to make special should be directed to the appropriate Technology Center Special Program Examiner.

SUPPLEMENTARY INFORMATION: New patent applications are normally taken up for examination in the order of their United States filing date. The USPTO has a procedure for requesting accelerated examination under which an application will be advanced out of turn for examination if the applicant files a petition to make special with the appropriate showing. *See* 37 CFR 1.102 and *Manual of Patent Examining Procedure* § 708.02 (VIII) (8th ed. 2001) (Rev. 3, August 2005) (MPEP). The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. *See* Part VIII (subsection The Twelve-Month Goal) for more information.

The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the PPH pilot program. Specifically, other petitions to make special (*i.e.*, petitions based on: manufacture, infringement, environmental quality, energy, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities (*see* MPEP § 708.02)) will be processed and examined using the revised procedure for accelerated examination. Thus, all petitions to make special, except those based on applicant's health or age or the PPH pilot program, will be required to comply with the requirements of petitions to make special under the accelerated examination program that are set forth in this notice.

Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. Until the effective date, applicant may file a petition to make special in an application filed before the effective date by complying with the previous guidelines and requirements in MPEP § 708.02 (I–II, and V–XII). A petition to make special filed after the effective date will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in this notice. See Part VIII, for more information on eligibility.

Part I. Requirements for Petitions to Make Special under Accelerated Examination: A new application may be granted accelerated examination status under the following conditions:

(1) The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism. *See* 37 CFR 1.102(c)(2). Applicant should use form PTO/SB/28 for filing the petition.

(2) The application must be a non-reissue utility or design application filed under 35 U.S.C. 111(a).

(3) The application, petition, and required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-Web. If the USPTO's EFS and EFS-Web are not available to the public during the normal business hours for these systems at the time of filing the application, applicant may file the application, other papers and fees by mail accompanied by a statement that EFS and EFS-Web were not available during the normal business hours, but the final disposition of the application may occur later than twelve months from the filing of the application. *See* Part VIII (subsection The Twelve-Month Goal) for more information.

(4) At the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an executed oath or declaration under 37 CFR 1.63. *See* Part VIII (subsection Conditions for Examination) for more information.

(5) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must also not contain any multiple dependent claims. By filing a petition to make special under the accelerated examination program the applicant is agreeing not to separately argue the patentability of any dependent claim during any appeal in the application. Specifically, the applicant is agreeing that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)). The petition must include a statement that applicant will agree not to separately argue the patentability of any dependent claim during any appeal in the application. See form PTO/SB/28.

(6) The claims must be directed to a single invention. If the USPTO determines that all the claims presented are not directed to a single invention, applicant must make an election without traverse in a telephonic interview. The petition must include a statement that applicant will agree to make an election without traverse in a telephonic interview. See form PTO/SB/28.

(7) The applicant must be willing to have an interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time. The petition must include a statement that applicant will agree to have such an interview when requested by the examiner. See form PTO/SB/28.

(8) At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.

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

(B) This preexamination search must be directed to the claimed invention and

encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

(C) The preexamination search must also encompass the disclosed features that may be claimed. An amendment to the claims (including any new claim) that is not encompassed by the preexamination search or an updated accelerated examination support document (*see* item 9) will be treated as not fully responsive and will not be entered. *See* Part IV (Reply by Applicant) for more information.

(D) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements set forth in this notice for a preexamination search.

(E) Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. *See* 37 CFR 1.56 and 10.18.

(9) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.

(A) An accelerated examination support document must include an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims.

(B) For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

(C) The accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c).

(D) The accelerated examination support document must include a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application).

(E) The accelerated examination support document must include a showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in the written description of the specification. If applicable, the showing must also identify: (1) Each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶ 6; and (2) the structure, material, or acts in the specification that correspond to each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶ 6. If the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.

(F) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c) as amended by the Cooperative Research and Technology Enhancement (CREATE) Act (Pub. L. 108–453, 118 Stat. 3596 (2004)).

Part II. Decision on Petition To Make Special: Applicant will be notified of the decision by the deciding official. If the application and/or petition does not meet all the prerequisites set forth in this notice for the application to be granted special status (including a determination that the search is deemed to be insufficient), the applicant will be notified of the defects and the application will remain in the status of a new application awaiting action in its regular turn. In those instances in which the petition or accelerated examination support document is defective in one or more requirements, applicant will be given a single opportunity to perfect the petition or accelerated examination support document within a time period of one month (no extensions under 37 CFR 1.136(a)). This opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing. *See* Part VIII (subsection Condition for Examination). If the document is satisfactorily corrected in a timely manner, the petition will then be granted, but the final disposition of the application may occur later than twelve months from the filing date of the application. Once a petition has been granted, prosecution will proceed according to the procedure set forth below.

Part III. The Initial Action on the Application by the Examiner: Once the application is granted special status, the application will be docketed and taken up for action expeditiously (*e.g.*, within two weeks of the granting of special status). If it is determined that all the claims presented are not directed to a single invention, the telephone restriction practice set forth in MPEP § 812.01 will be followed. Applicant must make an election without traverse during the telephonic interview. If applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (the invention of claim 1) as constructively elected without traverse for examination. Continuing applications (*e.g.*, a divisional application directed to the non-elected inventions) will not automatically be given special status based on papers filed with the petition in the parent application. Each continuing application must on its own meet all requirements for special status.

If the USPTO determines that a possible rejection or other issue must be addressed, the examiner will telephone the applicant to discuss the issue and any possible amendment or submission to resolve such issue. The USPTO will not issue an Office action (other than a notice of allowance) unless either: (1) An interview was conducted but did not result in the application being placed in condition for allowance; or (2) there is a determination that an interview is unlikely to result in the application being placed in condition for allowance. Furthermore, prior to the mailing of any Office action rejecting the claims, the USPTO will conduct a conference to review the rejections set forth in the Office action.

If an Office action other than a notice of allowance or a final Office action is mailed, the Office action will set a shortened statutory period of one-month or thirty-days, whichever is longer. No extensions of this shortened statutory period under 37 CFR 1.136(a) will be permitted. Failure to timely file a reply will result in abandonment of the application. *See* Parts V and VI for more information on post-allowance and after-final procedures.

Part IV. Reply by Applicant: A reply to an Office action must be limited to the rejections, objections, and requirements made. Any amendment that attempts to: (1) Add claims which would result in more than three independent claims, or more than twenty total claims, pending in the application; (2) present claims not encompassed by the preexamination search (*see* item 8 of Part I) or an updated accelerated examination support document (*see* next paragraph); or (3) present claims that are directed to a nonelected invention or an invention other than previously claimed in the application, will be treated as not fully responsive and will not be entered. *See* Part VIII (subsection Reply Not Fully responsive) for more information.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document in Part I, item 9, applicant is required to provide an updated accelerated examination

support document that encompasses the amended or new claims at the time of filing the amendment. Failure to provide such updated accelerated examination support document at the time of filing the amendment will cause the amendment to be treated as not fully responsive and not to be entered. *See* Part VIII (subsection Reply Not Fully Responsive) for more information. Any IDS filed with an updated accelerated examination support document must also comply with the requirements of 37 CFR 1.97 and 1.98.

Any reply or other papers must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the papers are not filed electronically via EFS-Web, or the reply is not fully responsive, the final disposition of the application may occur later than twelve months from the filing of the application.

Part V. Post-Allowance Processing: The mailing of a notice of allowance is the final disposition for purposes of the twelve-month goal for the program. In response to a notice of allowance, applicant must pay the issue fee within three months from the date of mailing of the Notice of Allowance and Fee(s) Due (form PTOL–85) to avoid abandonment of the application. In order for the application to be expeditiously issued as a patent, the applicant must also: (1) Pay the issue fee (and any outstanding fees due) within one month from the mailing date of the form PTOL–85; and (2) not file any post-allowance papers that are not required by the USPTO (*e.g.*, an amendment under 37 CFR 1.312 that was not requested by the USPTO).

Part VI. After-Final and Appeal Procedures: The mailing of a final Office action or the filing of a notice of appeal, whichever is earlier, is the final disposition for purposes of the twelve-month goal for the program. Prior to the mailing of a final Office action, the USPTO will conduct a conference to review the rejections set forth in the final Office action (*i.e.*, the type of conference conducted in an application on appeal when the applicant requests a pre-appeal brief conference). In order for the application to be expeditiously forwarded to the Board of Patent Appeals and Interferences (BPAI) for a decision, applicant must: (1) Promptly file the notice of appeal, appeal brief, and appeal fees; and (2) not request a pre-appeal brief conference. A pre-appeal brief conference would not be of value in an application under a final Office action because the examiner will have already conducted such a conference prior to mailing the final Office action. During the appeal process, the application will be treated in accordance with the normal appeal procedures. The USPTO will continue to treat the application special under the accelerated examination program after the decision by the BPAI.

Any after-final amendment, affidavit, or other evidence filed under 37 CFR 1.116 or 41.33 must also meet the requirements set forth in Part IV (Reply by Applicant). If applicant files a request for continued examination (RCE) under 37 CFR 1.114 with a submission and fee, the submission must meet the reply requirements under 37 CFR 1.111 (*see* 37 CFR 1.114(c)) and the requirements set forth in Part IV (Reply by Applicant). The filing of the RCE is a final disposition for purposes of the twelve-month goal for the program. The application will retain its special status and remain in the accelerated examination program. Thus, the examiner will continue to examine the application in accordance with the procedures set forth in Part III and any subsequent replies filed by applicant must meet the requirements of Part IV. The goal of the program will then be to reach a final disposition of the application within twelve months from the filing of the RCE.

Part VII. Proceedings Outside the Normal Examination Process: If an application becomes involved in proceedings outside the normal examination process (*e.g.*, a secrecy order, national security review, interference, or petitions under 37 CFR 1.181–1.183), the USPTO will treat the application special under the accelerated examination program before and after such proceedings. During those proceedings, however, the application will not be accelerated. For example, during an interference proceeding, the application will be treated in accordance with the normal interference procedures and will not be treated under the accelerated examination program. Once any one of these proceedings is completed, the USPTO will process the application expeditiously under the accelerated examination program until it reaches final disposition, but that may occur later than twelve months from the filing of the application.

Part VIII. More Information:

Eligibility: Any non-reissue utility or design application filed under 35 U.S.C. 111(a) on or after the effective date of this program is eligible for the revised accelerated examination program. The following types of filings are not eligible for this revised accelerated examination program: Plant applications, reissue applications, applications entering the national stage from an international application after compliance with 35 U.S.C. 371, reexamination proceedings, RCEs under 37 CFR 1.114 (unless the application was previously granted special status under the program), and petitions to make special based on applicant's health or age or under the PPH pilot program. Rather than participating in this revised accelerated examination program, applicants for a design patent may participate in the expedited examination program by filing a request in compliance with the guidelines set forth in MPEP § 1504.30. *See* 37 CFR 1.155.

Form: Applicant should use form PTO/SB/28 for filing a petition to make special, other than those based on applicant's health or age or the PPH pilot program. The form is available on EFS-Web and on the USPTO's Internet Web site at *http://www.uspto.gov/web/forms/index.html.*

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

(A) Basic filing fee, search fee, and examination fee, under 37 CFR 1.16 (*see* MPEP section 607(I)),

(B) Application size fee under 37 CFR 1.16(s) (if the specification and drawings exceed 100 sheets of paper) (*see* MPEP section 607(II));

(C) An executed oath or declaration in compliance with 37 CFR 1.63;

(D) A specification (in compliance with 37 CFR 1.52) containing a description (37 CFR 1.71) and claims in compliance with 37 CFR 1.75;

(E) A title and an abstract in compliance with 37 CFR 1.72;

(F) Drawings in compliance with 37 CFR 1.84;

(G) Electronic submissions of sequence listings in compliance with 37 CFR 1.821(c) or (e), large tables, or computer listings in compliance with 37 CFR 1.96, submitted via the USPTO's electronic filing system (EFS) in ASCII text as part of an associated file (if applicable);

(H) Foreign priority claim under 35 U.S.C. 119(a)–(d) identified in the executed oath or declaration or an application data sheet (if applicable);

(I) Domestic benefit claims under 35 U.S.C. 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78 (*e.g.*, the specific reference to the prior application must be submitted in the first sentence(s) of the specification or in an application data sheet, and for any benefit claim to a non-English language provisional application, the application must include a statement that: (a) An English language translation, and (b) a statement that the translation is

accurate, have been filed in the provisional application) (if applicable);

(J) English language translation under 37 CFR 1.52(d), a statement that the translation is accurate, and the processing fee under 37 CFR 1.17(i) (if the specification is in a non-English language);

(K) No preliminary amendments present on the filing date of the application; and

(L) No petition under 37 CFR 1.47 for a non-signing inventor.

Furthermore, if the application is a design application, the application must also comply with the requirements set forth in 37 CFR 1.151–1.154.

Applicant should also provide a suggested classification, by class and subclass, for the application on the transmittal letter, petition, or an application data sheet as set forth in 37 CFR 1.76(b)(3) so that the application can be expeditiously processed.

The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (*e.g.*, a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (Part II) does not apply to applications that are not in condition for examination on filing.

Reply Not Fully Responsive: If a reply to a non-final Office action is not fully responsive, but a *bona fide* attempt to advance the application to final action, the examiner may provide one month or thirty-days, whichever is longer, for applicant to supply the omission or a fully responsive reply. No extensions of this time period under 37 CFR 1.136(a) will be permitted. Failure to timely file the omission or a fully responsive reply will result in abandonment of the application. If the reply is not a *bona fide* attempt or it is a reply to a final Office action, no additional time period will be given. The time period set forth in the previous Office action will continue to run.

Withdrawal From Accelerated Examination: There is no provision for "withdrawal" from special status under the accelerated examination program. An applicant may abandon the application that has been granted special status under the accelerated examination program in favor of a continuing application, and the continuing application will not be given special status under the accelerated examination program unless the continuing application is filed with a petition to make special under the accelerated examination program. The filing of an RCE under 37 CFR 1.114, however, will not result in an application being withdrawn from special status under the accelerated examination program.

The Twelve-Month Goal: The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. The twelve-month goal is successfully achieved when one of the following final dispositions occurs: (1) The mailing of a notice of allowance; (2) the mailing of a final Office action; (3) the filing of an RCE; or (4) the abandonment of the application. The final disposition of an application, however, may occur later than the twelve-month timeframe in certain situations (*e.g.*, an IDS citing new prior art after the mailing of a first Office action). *See* Part VII for more information on other events that may cause examination to extend beyond this twelve-month time frame. In any event, however, this twelve-month timeframe is simply a goal. Any failure to meet the twelve-month goal or other issues relating to this twelve-month goal are neither petitionable nor appealable matters.

Paperwork Reduction Act: This notice involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this notice has been reviewed and previously approved by OMB under OMB control number 0651–0031. The Office has submitted a Change Worksheet to OMB for review of form PTO/SB/28 Petition to Make Special Under the Accelerated Examination.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Section 708.02 of the *Manual of Patent Examining Procedure* will be revised in due course to reflect this change in practice.

Dated: June 20, 2006.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E6–10022 Filed 6–23–06; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Designation under the Textile and Apparel Commercial Availability Provisions of the United States Caribbean Basin Trade Partnership Act (CBTPA)

June 21, 2006.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA)

ACTION: Designation.

EFFECTIVE DATE: June 26, 2006.

SUMMARY: The Committee for the Implementation of Textile Agreements (CITA) has determined that certain 100 percent cotton, yarn-dyed, 3- or 4-thread twill weave, flannel fabrics, of combed, ring spun single yarns, of the specifications detailed below, classified in subheading 5208.43.0000 of the Harmonized Tariff Schedule of the United States (HTSUS), for use in products in Categories 340, 341, and 350, cannot be supplied by the domestic industry in commercial quantities in a timely manner. The CITA hereby designates products in Categories 340, 341, and 350 that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries from such fabrics, as eligible for quota free and duty free treatment under the textile and apparel commercial availability provisions of the CBTPA and eligible under HTSUS subheading 9820.11.27 to enter free of quota and duties, provided that all other fabrics in the referenced apparel articles are wholly formed in the United States from yarns wholly formed in the United States.

FOR FURTHER INFORMATION CONTACT: Maria K. Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482 3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of CBERA, as added by Section 211(a) of the CBTPA; Presidential Proclamation 7351 of October 2, 2000; Section 6 of Executive Order No. 13191 of January 17, 2001.

BACKGROUND:

The commercial availability provision of the CBTPA provides for duty free and quota free treatment for apparel articles that are both cut (or knit to shape) and sewn or otherwise assembled in one or more beneficiary CBTPA country from fabric or yarn that is not formed in the United States if it has been determined that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely

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SEP 25 2009

OFFICE OF PETITIONS

EATON CORPORATION
EATON CENTER
1111 SUPERIOR AVENUE
CLEVELAND, OH 44114

In re Application of	:	
Tak-Yiu WONG	:	
Application No. 12/211,680	:	DECISION ON PETITION
Filed: September 16, 2008	:	
Attorney Docket No. 08-ARG-152 (CME)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 30, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 1, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed declaration and the required fee; (2) the petition fee of $1620; and (3) the required statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1730 extension of time fee submitted with the petition on June 30, 2009, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No. 05-0275.

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/211,690	09/16/2008	John Douglas Steinberg	EFACT.006A	8946

20995 7590 07/22/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
DUNN, DREW A

ART UNIT	PAPER NUMBER
2863	

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):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
STEINBERG et al.	:	DECISION ON PETITION
Application No. 12/211,690	:	TO MAKE SPECIAL UNDER
Filed: 16 September 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. EFACT.006A	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 07 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 **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as materially contributing to energy conservation. However, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to the development of renewable energy resources. The claims are directed to a system and method for evaluating changes in the operational efficiency of an HVAC system over time. The claims appear to merely be data collection, manipulation, and storage. The identification of unnecessary energy consumption does not equate to 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 Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2863 for action in its regular turn.

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.
12/211,738	09/16/2008	James Brewster Olmes	482995	9039

30955 7590 12/15/2008
LATHROP & GAGE LC
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER, CO 80301

EXAMINER

ART UNIT	PAPER NUMBER
2833	

MAIL DATE	DELIVERY MODE
12/15/2008	PAPER

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

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

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BOULDER, CO 80301

In re Application of: James B. Olmes Serial No.: 12/211,738 Filed: September 16, 2008 Attorney Docket No.: 482995 Title: DUAL ILLUMINATION WATCH FACE, AND ASSOCIATED METHODS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on September 16, 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; and conditions II.6.1, II.6.4 and II.6.6 above. However, the petition does not meet conditions II.6.2, II.6.3 and II.6.5 above.

Regarding the condition set forth in II.6.2 above, the support document is required to identify each limitation in the claim that is disclosed by each cited reference and specify where that limitation is disclosed in the reference. The support document, however, fails to clearly identify each claim limitation that is disclosed by the Internet advertisement to Smith & Wesson and to clearly specify where each limitation is disclosed in the reference. Whether the reference is prior art against the present application is directed to an explanation of how the claims are patentable over the cited reference and not to an identification of each limitation in the claim that is disclosed by the cited reference.

Regarding the condition set forth in II.6.3 above, the petition does not include a detailed explanation of how the claims are patentable over the cited references with the particularity required by 37 C.F.R. §1.111(b) and (c). The "Detailed Explanation of Patentability" states that "All of the references identified above fail to at least teach or suggest the unique combination of phosphorescent material and tritium gas tubes in a watch face, as in each of independent claims 1, 16, and 17," However, such statement appears to be inconsistent with the previous statement with respect to claim 1 that the Internet advertisement to Smith & Wesson "appears to infringe the novel combination of tritium tubes on the one of the dial, the minute hand, and the hour hand of watch face, and phosphorescent material on the dial, the minute hand, and the hour hand of the watch face." Clarification is required.

Regarding the condition set forth in II.6.5 above, the accelerated examination support document is required to show where ***each limitation of the claims*** finds support under 35 USC 112, first paragraph, in the written description of the specification. The support document, however, does not mention any specific claim limitation and show where support for that particular limitation can be found in the written description of the specification. The support document should identify each claim limitation and identify the specific paragraph(s) where support under 35 USC 112, first paragraph, is found for that specific claim limitation. For example, with reference to claim 1, the support document should indicate where "a tritium gas tube coupled with at least one of a dial, minute hand and hour hand of the watch face" finds support in the written description of the specification. In addition, the accelerated examination support document is required to show where each limitation of the claims finds support under 35 USC 112, first paragraph, in each application for which benefit under title 35, United States Code, is claimed. The examination support document supplied by the petitioner does not show where each limitation of the claims finds support under 35 USC 112, first paragraph, in Provisional Application 60/977,046. The support document should likewise indicate where "a tritium gas tube coupled with at least one of a dial, minute hand and hour hand of the watch face" finds support in the provisional application.

Accordingly, the petition fails to meet conditions 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) 272-1638.

Edward Westin

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

EW/JC

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/211,738	09/16/2008	James Brewster Olmes	482995	9039

30955 7590 02/12/2009
LATHROP & GAGE LC
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER, CO 80301

EXAMINER

ART UNIT	PAPER NUMBER
2833	

MAIL DATE	DELIVERY MODE
02/12/2009	PAPER

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

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

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LATHROP & GAGE LC
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER, CO 80301

In re Application of: James B. Olmes Serial No.: 12/211,738 Filed: September 16, 2008 Docket No.: 482995 Title: DUAL ILLUMINATION WATCH FACE, AND ASSOCIATED METHODS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the revised petition filed on January 15, 2009 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) 272-1638.

Edward Westin

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

EW/JC

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PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES CA 90010

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OCT 13 2009

OFFICE OF PETITIONS

In re Application of
Oh, et al.
Application No. 12/211,776
Filed: September 16, 2008
Attorney Docket No. 2594.01

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 11, 2009, to revive the above-identified application.

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

This application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers, mailed September 30, 2008, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on December 1, 2008. A Notice of Abandonment was mailed on June 9, 2009.

Applicants have submitted a proper reply to the September 30, 2008 Notice in the form of replacement drawings, an acceptable statement of the unintentional nature of the delay in responding to the September 30, 2008 Notice, and the $810.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Frank Zhenhuan LIU, et al	:	
Application No. 12/211,779	:	DECISION ON PETITION
Filed: September 16, 2008	:	TO WITHDRAW
Attorney Docket No. 71784.03601.CON1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed January 21, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Martin R. Bader does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ALIGN TECHNOLOGY, INC.
JOHN WAGNER BLECHER LLP,
WESTRIDGE BUSINESS PARK
123 WESTRIDGE DRIVE
WATSONVILLE, CA 95076

cc: MARTIN R. BADER, ESQ.
P.O. BOX 919092
SAN DIEGO, CA 92191

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/211,780	09/16/2008	Jane C. HIRSH	73690.000113	9120

21967 7590 11/05/2008
HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER
SHEIKH, HUMERA N

ART UNIT	PAPER NUMBER
1615	

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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21967
HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109

NOV 0 5 2008

In re Application of	:
Jane C HIRSH	:
Serial No.: 12/211,780	: PETITION TO MAKE SPECIAL
Filed: September 16, 2008	:
Attorney Docket No.: 73690.000113	:

This is a decision on the petition filed on September 16, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it has the Notice to File Corrected Application Papers dated September 24, 2008.

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 Dave Nguyen, at (571) 272-0731.

Dave Nguyen
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/211,780	09/16/2008	Jane C. HIRSH	73690.000113	9120

21967 7590 11/24/2008
HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER
SHEIKH, HUMERA N

ART UNIT	PAPER NUMBER
1615	

MAIL DATE	DELIVERY MODE
11/24/2008	PAPER

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

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

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NOV 2 4 2008

21967
HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109

In re Application of	:
Jane C HIRSH	: DECISION ON PETITION TO MAKE
Serial No.: 12/211,780	: SPECIAL FOR NEW APPLICATION
Filed: September 16, 2008	: UNDER 37 C.F.R. § 1.102 & M.P.E.P.
Attorney Docket No.: 73690.000113	: § 708.02

This is a decision on the response to the petition decision made on the application filed September 16, 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 has been reconsidered, and the reason as set forth in item 2 on page 3 of applicant's response is found persuasive. Note that item 1 as set forth on page 2 of applicants' renewed petition is not found persuasive. Thus and in view of item 2 of applicant's renewed petition, the previous response to the petition has been withdrawn. The petition filed on September 16, 2008, is now **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 Nguyen, TC1600 Quality Assurance Specialist, at (571) 272-0731.

Dave

Dave T. Nguyen
TC1600 Quality Assurance Specialist
Technology Center 1600

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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	: Keiichi UMEDA	: DECISION ON REQUEST FOR
Patent Number	: 7649304	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/211,865	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/17/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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MAILED

MAR 12 2010

OFFICE OF PETITIONS

DANIEL J SWIRSKY
55 REUVEN ST
BEIT SHEMESH 99544 IL ISRAEL

In re Application of	:	
Chen	:	
Application No. 12/211,919	:	ON PETITION
Filed: September 17, 2008	:	
Attorney Docket No. 1845-US	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed December 31, 2009.

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

The above-identified application became abandoned for failure to timely file a reply to the Notice to File Missing Parts, mailed October 2, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit an oath or declaration (and surcharge for its late filing), a substitute specification, and replacement drawings. No reply having been received, the application became abandoned on December 3, 2008. The Office mailed a Notice of Abandonment on June 11, 2009.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted a declaration, surcharge, substitute specification, and replacement drawings.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/211,921	09/17/2008	Victor Ptak	STYL 0226 PUS1	9378

22045 7590 11/28/2008
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER

ART UNIT	PAPER NUMBER
3752	

MAIL DATE	DELIVERY MODE
11/28/2008	PAPER

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

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

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CST

11-28-08

In re application of	:	
Victor Ptak	:	
Serial No. 12/211,921	:	DECISION ON PETITION
Filed: September 17, 2008	:	TO MAKE SPECIAL
For: FAN SPRAY DEVICE	:	

This is a decision on the petition filed on September 17, 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 261, subclasses 72.1, 78.2, 89, 90, 115, DIG 3 and DIG 43, as well as Class D23 is also required.

The statement showing support for the present claim on pages 56 - 57 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 present application. Merely stating that support for the claim, as a whole, is found in various pages of the specification, is not sufficient. Furthermore, it is required that petitioner provide a showing of where each limitation of every claim finds support under 35 USC 112, first paragraph, in the written description of parent application 11/939,714 as applicant has claimed priority to this application.

It is further noted that petitioner has discussed several references in the AESD which have not been listed on the IDS. For example, see page 47 of the AESD wherein US 6,827,290 to Zimmerman is discussed and page 53 of the AESD wherein US 2007/0246481 to Sweeton is discussed. It is suggested that these reference be listed on an IDS.

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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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.
12/211,921	09/17/2008	Victor Ptak	STYL 0226 PUS1	9378

22045 7590 01/14/2009
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER	
ART UNIT	PAPER NUMBER
3752	

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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CST

1-14-09

In re application of
Victor Ptak
Serial No. 12/211,921
Filed: September 17, 2008
For: FAN SPRAY DEVICE

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the request for reconsideration filed on December 23, 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 September 17, 2008. That petition was dismissed in a decision mailed November 28, 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 (1) that the search was incomplete; (2) that the statement showing support for the present claims was not sufficient; and (3) that several references discussed in the AESD were not listed on an IDS.

In response to the dismissal of November 28, 2008, applicant states that a search in the appropriate areas of Class 261 was completed on December 17, 2008, thus overcoming this reason for dismissal. Furthermore, applicant has provided an IDS listing those references not previously listed on an IDS and also provided a statement showing support for the present claims in the present application.

It is maintained, however, that petitioner has not provided a showing of where each limitation of every claim finds support under 35 USC 112, first paragraph in the written description of parent application 11/939,714 as applicant has claimed priority to this application. It is noted that applicant simply says that the application claims benefit to application 11/937,714 filed November 14, 2007 on page 62 of the AESD filed December 23, 2008.

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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COPY MAILED

DEC 07 2009

OFFICE OF PETITIONS

J C PATENTS
4 VENTURE, SUITE 250
IRVINE CA 92618

In re Application of	:	
Ching-Wen Chang, et al.	:	
Application No. 12/212,004	:	NOTICE
Filed: September 17, 2008	:	
Attorney Docket No. JCLA28376	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

This 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 Terri Johnson at (571) 272-2991.

Chris Bottorff for
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
William L. Bong

Application No. 12212019

Filed: September 17,2008

Attorney Docket No. 61307

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 01-OCT-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.
12/212,033	09/17/2008	Kuniaki MIYAKO	Q107967	9582

7590 06/22/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
GAWORECKI, MARK R

ART UNIT	PAPER NUMBER
2884	

MAIL DATE	DELIVERY MODE
06/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 06/24/2009 NFARMER
09/17/2008 INTEFSW 00018485 194880 12212033
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.
12/212,076	09/17/2008	Ralf Altrichter	DE920080176US1	9658

81683 7590 04/03/2009
McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road
Suite 200
Vienna, VA 22182-3817

EXAMINER
BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
04/03/2009	PAPER

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

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

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April 2, 2009

JOSEPH P. HRUTKA
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of: Ralf Altricher et al.
Serial No: 12/212,076
Filed: September 17, 2008
Docket: DE920080176US1
Title: Dynamic Improved Executables

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

This is a decision on the petition filed on September 17, 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

MPEP 708.02(a) sets forth the requirements that a petition to make special 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 in order to be grantable:

708.02(a) [R-5] Accelerated Examination

All petitions to make special, except those based on applicants health or age or the Patent Prosecution Highway (PPH) pilot program, filed on or after August 25, 2006 must meet the requirements set forth in subsection I below. See MPEP § 708.02 subsection III or IV (where appropriate) for the requirements for filing a petition to make special based on applicants health or age.

Applications filed prior to August 25, 2006 are not eligible for the accelerated examination program set forth below. A petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicants health or age or is under the PPH pilot program, or if it complies with the requirements set forth below.

I. REQUIREMENTS FOR PETITIONS TO MAKE SPECIAL UNDER ACCELERATED EXAMINATION

A new application may be granted accelerated examination status under the following conditions:

(A) The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is

directed to environmental quality, the development or conservation of energy resources, or countering terrorism. See 37 CFR 1.102(c)(2). Applicant should use form PTO/SB/28 for filing the petition.

(B) The application must be a non-reissue utility or design application filed under 35 U.S.C. 111(a).

(C) The application, petition, and required fees must be filed electronically using the USPTOs electronic filing system (EFS), or EFS-Web. If the USPTOs EFS and EFS-Web are not available to the public during the normal business hours for these systems at the time of filing the application, applicant may file the application, other papers and fees by mail accompanied by a statement that EFS and EFS-Web were not available during the normal business hours, but the final disposition of the application may occur later than twelve months from the filing of the application. See subsection VIII.F. below for more information.

(D) At the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an executed oath or declaration under 37 CFR 1.63. See subsection VIII.C. below for more information.

(E) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must also not contain any multiple dependent claims. By filing a petition to make special under the accelerated examination program the applicant is agreeing not to separately argue the patentability of any dependent claim during any appeal in the application. Specifically, the applicant is agreeing that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)). The petition must include a statement that applicant will agree not to separately argue the patentability of any dependent claim during any appeal in the application. See form PTO/SB/28.

(F) The claims must be directed to a single invention. If the USPTO determines that all the claims presented are not directed to a single invention, applicant must make an election without traverse in a telephonic interview. The petition must include a statement that applicant will agree to make an election without traverse in a telephonic interview. See form PTO/SB/28.

(G) The applicant must be willing to have an interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time. The petition must include a statement that applicant will agree to have such an interview when requested by the examiner. See form PTO/SB/28.

(H) At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.

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

(2) This preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

(3) The preexamination search must also encompass the disclosed features that may be claimed. An amendment to the claims (including any new claim) that is not encompassed by the preexamination search or an updated accelerated examination support document (see item I) will be treated as not fully responsive and will not be entered. See subsection IV below for more information.

(4) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements for a preexamination search.

(5) Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. See 37 CFR 1.56 and 10.18.

(I) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.

(1) An accelerated examination support document must include an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims.

(2) For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

(3) The accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c).

(4) The accelerated examination support document must include a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application).

(5) The accelerated examination support document must include a showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in the written description of the specification. If applicable, the showing must also identify:

   (i) each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, paragraph 6; and

   (ii) the structure, material, or acts in the specification that correspond to each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, paragraph 6. If the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.

(6) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c).

REVIEW OF FACTS

The petition fails to comply with conditions MPEP 708.02(a)(I) (A and D) above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

As to MPEP 708.02(a)(I) (A) the application was filed with an unsigned petition to make special. An unsigned petition is incomplete and therefore has no effect. Accordingly the application was not "filed **with** a petition to make special" as required by MPEP 708.02(a)(I) (A).

As to MPEP 708.02(a)(I) (D) petitioner is directed to M.P.E.P. 708.02(a)(VIII)(C) which states in pertinent part:

> C. Conditions for Examination
>
> The application must be in condition for examination at the time of filing. This means the application must include the following: ...
>
> The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (e.g., a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (subsection II above) does not apply to applications that are not in condition for examination on filing.

A review of the file history shows that the application as filed included a paper that caused OPIE to mail a "Notice to File Corrected Application Papers" on September 24, 2008. Accordingly, as required by MPEP 708.02(a)(VIII)(C) the renewed (properly signed) petition to make special filed on September 18, 2008 must be denied.

Petitioners attention is drawn to the last sentence of the quotation from MPEP 708.02(a)(VIII)(C) above. No opportunity to perfect this petition is allowed by the MPEP.

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.

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

RLE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/212,114	09/17/2008	Anthony Craig DOLWIN	332177US2CRL	9737

7590 01/12/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
MISIURA, BRIAN THOMAS

ART UNIT	PAPER NUMBER
2111	

NOTIFICATION DATE	DELIVERY MODE
01/12/2010	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

Refund Ref:
01/11/2010 3330078682

Credit Card Refund Total: $1120.00

AO Expl.: XXXXXXXXXXXX1011

Adjustment date: 01/11/2010 NFARMER
09/18/2008 INTEFSW 00030162 12212114
02 FC:1111 -310.00 OP
04 FC:1202 -250.00 OP
05 FC:1203 -370.00 OP

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/212,152	09/17/2008	Kiran K. CHINTA	CAM920080063US1	9804

75339 7590 05/18/2009
PATENTS ON DEMAND, P.A.-IBM ACCSPP
4581 WESTON ROAD
SUITE 345
WESTON, FL 33331

EXAMINER
LO, WEILUN

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
05/18/2009	PAPER

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

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Patents On Demand, P.A.-Ibm Accspp
4581 Weston Road
Suite 345
Weston FL 33331

In re Application of:
Kiran K. Chinta et al.
Serial No.: 12/212,152
Filed: September 17, 2008
Docket: CAM920080063US1

Title: USER INTERFACE FOR IMPROVING THE USE OF NOTES WITH EMAIL MESSAGES THAT PROVIDES A STATIC VISUAL RELATIONSHIP BETWEEN NOTES AND EMAIL MESSAGES AND A NOTE INCORPORATION CAPABILITY

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 revised petition filed on September 17, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

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

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

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

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

without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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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.
12/212,165	09/17/2008	Hiroshi Suzuki	332086US2	9835

7590 09/14/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
BENSON, WALTER

ART UNIT	PAPER NUMBER
2837	

NOTIFICATION DATE	DELIVERY MODE
09/14/2009	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

Adjustment date: 09/11/2009 BPOWELL
09/18/2008 INTEFSW 00000743 12212165
02 FC:1111 -510.00 OP

Adjustment date: 09/11/2009 BPOWELL
09/18/2008 INTEFSW 00000743 12212165
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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.
12/212,194	09/17/2008	Eiji Ohta	112857-1403	9887

29175 7590 02/10/2009
BELL, BOYD & LLOYD, LLP
P. O. BOX 1135
CHICAGO, IL 60690

EXAMINER

ART UNIT	PAPER NUMBER
2871	

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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BELL, BOYD & LLOYD, LLP
P. O. BOX 1135
CHICAGO IL 60690

In re Application of	**: DECISION ON REQUEST TO**
Eiji OHTA, et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/212,194	**: PROSECUTION HIGHWAY**
Filed: 17 September 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: 112857-1403	**: TO MAKE SPECIAL UNDER**
For: OPTICAL ELEMENT COVERING MEMBER, BACKLIGHT, AND LIQUID CRYSTAL DISPLAY DEVICE	**: 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 6 January 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is

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

    or

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

    or

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

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

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

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

Regarding condition 3, Petitioner has not submitted a proper claims correspondence table. The table lists all claims on 1 line, however each claims should be listed on a separate line with its corresponding claim listed in the adjacent column. Further, the claims listed in the claims correspondence table for the Japanese application improperly omits claims 12-22.

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

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

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058.

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

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

Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/212,194	09/17/2008	Eiji Ohta	112857-1403	9887

29175 7590 04/14/2009
K&L Gates LLP
P. O. BOX 1135
CHICAGO, IL 60690

EXAMINER
SCHECHTER, ANDREW M

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
04/14/2009	PAPER

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

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

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K&L Gates LLP
P. O. BOX 1135
CHICAGO IL 60690

In re Application of
Eiji OHTA, et al.
Application No.: 12/212,194
Filed: 17 September 2008
Attorney Docket No.: 112857-1403
For: OPTICAL ELEMENT COVERING MEMBER, BACKLIGHT, AND LIQUID CRYSTAL DISPLAY DEVICE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 06 January 2009 and supplemented 05 March 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

    or

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

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority to an application filed in the JPO, or
ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

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

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

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058.

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

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

Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/212,257	09/17/2008	Norio Takami	332122US0SRD	9992

22850 7590 04/29/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
MARKS, JACOB B

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
04/29/2010	ELECTRONIC

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

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

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

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

April 28, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Norio Takami et al.	:	PARTICIPATE IN PATENT
Serial No. 12/212,257	:	PROSECUTION HIGHWAY
Filed: September 17, 2008	:	PROGRAM AND
For: SECONDARY BATTERY, BATTERY	:	PETITION TO MAKE SPECIAL
PACK AND CAR	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed March 25, 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 independent 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

(6) Applicant must submit:

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

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

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

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

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/212,263	09/17/2008	Koji Kuruma	Q107719	1000

7590 04/15/2010
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
NAFF, DAVID M

ART UNIT	PAPER NUMBER
1657	

NOTIFICATION DATE	DELIVERY MODE
04/15/2010	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

Adjustment date: 04/14/2010 NFARMER
04/20/2008 INTEFSO 00201616 194600 12212263
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

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SUGHRUE MION-ABBOTT LABS
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Eamon Brady, et al.	:	
Application No. 12/212,292	:	ON PETITION
Filed: September 17, 2008	:	
Attorney Docket No. A9998	:	

This is a decision on the petition under 37 CFR 1.57(a)(3), filed October 16, 2008, requesting that the above-identified application be accorded a filing date of September 17, 2008.

The petition under 37 CFR 1.57(a) is **GRANTED**.

The instant application was deposited on September 17, 2008. However, the application omitted a copy of the drawings. Accordingly, on October 3, 2008, the Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application", requiring drawings and stating that the filing date would be the date of receipt of the drawings.

In response, petitioner filed drawings and the instant petition under 37 CFR 1.57(a) on October 16, 2008. Petitioner argues that drawings were incorporated by reference pursuant to a priority claim to prior Application No. 10/402,320.

With respect to the practice of incorporation by reference, the Manual of Patent Examining Procedure states:

> For applications filed on or after September 21, 2004, a claim under 35 U.S.C. 120 and 37 CFR 1.78 for benefit of a prior-filed nonprovisional application or international application designating the U.S. that was present on the filing date of the continuation or divisional application is considered an incorporation by reference of the prior-filed application as to inadvertently omitted material, subject to the conditions and requirements of 37 CFR 1.57(a). The purpose of 37 CFR 1.57(a) is to provide a safeguard for applicants when all or a portion of the specification and/or drawing(s) is (are) inadvertently omitted from an application.

The section goes on to state:

> For an application filed on or after September 21, 2004, if the material needed for a filing date is completely contained within a prior-filed application to which benefit is claimed, applicant may file a petition under 37 CFR 1.57(a)(3) along with the fee set forth in 37 CFR 1.17(f) and an amendment with the inadvertently omitted material requesting that the amendment be entered and the application be accorded a filing date as of the original date of deposit of the application papers. See 37 CFR 1.57(a)(3) and MPEP § 201.17.[1]

Accordingly, the above identified application is entitled to a filing date of September 17, 2008, in view of the priority claim to Application No. 10/402,320.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing with a filing date of September 17, 2008, using the application papers received in the Office on that date and the 3 drawing sheets supplied on petition filed October 16, 2008. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.[2]

Telephone inquiries concerning this matter may be directed to Sherry Brinkley at (571) 272-3204.

Anthony Knight
Supervisor
Office of Petitions

---

[1] MPEP 201.06(c).

[2] It is noted that the drawings submitted October 16, 2008 are not original drawings and should have been labeled as "new sheets" in accordance with 37 CFR 1.121(d). The drawings, however, are accepted in their current format.

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TOWNSEND AND TOWNSEND AND CREW LLP/ 015114
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 05/17/2010

Applicant	: Ryan FUNG	: DECISION ON REQUEST FOR
Patent Number	: 7659764	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/212,314	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/17/2008	: ISSUE CERTIFICATE OF CORRECTION

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

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

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

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

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

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

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COURTNEY STANIFORD & GREGORY LLP
10001 N. De Anza Blvd., Suite 300
Cupertino CA 95014

COPY MAILED
DEC 2 2 2009
OFFICE OF PETITIONS

In re Application of	:	
Eric Carman, et al.	:	
Application No. 12/212,326	:	NOTICE
Filed: September 17, 2008	:	
Attorney Docket No. ISIL.P005	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

This 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 Terri Johnson at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

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2009 OCT 23 PM 4: 11

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OCT 2 9 2009
OFFICE OF PETITIONS

Atty. Docket No.: ISIL.P005

PATENT

IN THE UNITED STATES PATENT OFFICE

In Re Patent Application of:	)	Examiner: Amir Zarabian
First Named Inventor: Eric Carman	)	Art Unit: 2827
Application No. 12/~~213,326~~ 212,326	)	10/27/2009 DALLEN 00000018 12213326
Filed: September 17, 2008	)	01 FC:1461 2435.00 OP
For: REFRESHING DATA OF MEMORY CELLS WITH ELECTRICALLY FLOATING BODY TRANSISTORS	)	

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

REQUEST TO EXCUSE ERROR IN SMALL ENTITY STATUS UNDER 37 CFR 1.28(c)

Sir:

It is respectfully submitted that small entity status was inadvertently established in the above-referenced patent application at the time of filing the above-referenced patent application.

As the following itemization of deficiency payment (s) indicates, a total deficiency amount of **$2435.00** is owed. Please charge this total deficiency amount of **$2435.00** to our credit card. A credit card authorization form PTO-2038 is attached.

1.) On September 17, 2008, a utility patent application filing fee of $435.00 was paid at the small entity rate. The current regular (i.e., non small entity) rate for an utility application fee is $1090.00. Thus, a deficiency amount of **$655.00** is owed as a result of the prior payment.

2.) September 17, 2008, excess independent claims filing fees of $210.00 was paid for 2 additional independent claims at the small entity rate. The current regular (i.e., non small entity) rate for excess independent claims filing fees is $440.00. Thus, a deficiency amount of **$230.00** is owed as a result of the prior payment.

3.) September 17, 2008, excess claims filing fees of $1375.00 was paid for 55 additional claims at the small entity rate. The current regular (i.e., non small entity) rate for excess claims filing fees is $2860.00. Thus, a deficiency amount of **$1485.00** is owed as a result of the prior payment.

4.) On December 1, 2008, a Declaration in Compliance with 37 CFR 1.36 fees of $65.00 was paid at the small entity rate. The current regular (i.e., non small entity) rate for a Declaration of Compliance with 37 CFR 1.36 is $130.00. Thus, a deficiency amount of **$65.00** is owed as a result of the prior payment.

Copied from 12213326 on 12/11/2009

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OCT 2 2 2009

It is respectfully requested that all future fees due in connection with the above-referenced patent application, and any patents issuing therefrom, be charged at the regular (i.e., non small entity) rate.

Authorization to Charge Deposit Account

The Commissioner is authorized to charge any additional fees which may be required in connection with this Request to Excuse Error in Small Entity Status Under 37 CFR 1.28 (c), to Deposit Account Number 503616 (Attorney Docket Number ISIL.P005).

Respectfully Submitted,
Courtney Staniford & Gregory & LLP

Date October 20, 2009

Richard L. Gregory
Reg. No. 42,607

Copied from 12213326 on 12/11/2009

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.
12/212,340	09/17/2008	Mamoru TSUDA	1033228-000197	1140

7590 08/21/2009
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

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.

Patent Publication Branch
Office of Data Management

Adjustment Date: 08/21/2009 BPOWELL
09/18/2008 INTEFSW 00002184 024000 12212340
02 FC:1111 510.00 CR

Adjustment date: 08/21/2009 BPOWELL
09/18/2008 INTEFSW 00002184 024000 12212340
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

G. LINK CO., LTD
3550 BELL ROAD
MINOOKA, IL 60447

MAILED

FEB 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Ling et al.	:	
Application No. 12/212,362	:	ON PETITION
Filed: September 17, 2008	:	
Attorney Docket No. P-1350	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a complete reply to the Notice to File Missing Parts of Nonprovisional Application, mailed September 29, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 30, 2008. A Notice of Abandonment was mailed June 9, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the statutory basic filing fee, search fee, examination fee, and surcharge of $65, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

The revocation of power of attorney and change of correspondence address filed December 16, 2009, is hereby accepted and made of record.

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

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VARIAN SEMICONDUCTOR EQUIPMENT ASSC., INC.
35 DORY RD.
GLOUCESTER MA 01930-2297

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of:	:	
Erokhin et al.	:	DECISION DISMISSING
Application No.: 12/212386	:	PETITION UNDER
Filing or 371(c) Date: 09/17/2008	:	37 CFR 1.47(a)
Title of Invention:	:	
WAFER BONDING ACTIVATED BY	:	
ION IMPLANTATION	:	

This Decision is in response to the "Petition for Status of a Complete Application Under 37 C.F.R. § 1.47(a)," filed December 3, 2008, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]"; 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).

Background

The above-identified application was filed on September 17, 2008, without, a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application, on October 3, 2008, requiring *inter alia*, a properly signed oath or declaration.

The present petition

Applicant files the present petition wherein Applicant asserts that the nonsigning inventor refuses to join in the application. In support of this assertion, Applicant provides that numerous, bona fide attempts were made to contact and obtain an oath executed by the nonsigning inventor. Applicant provides that she emailed an unexecuted oath referring to the above-identified patent application to the last known email address of the nonsigning inventor on September 22, 2008, and again on October 1, 2008, and thereafter placed a telephone call and left a message with the wife of the nonsigning inventor requesting a response from the nonsigning inventor. Applicant

states that she has not received a response to either the emails or the telephone message from the nonsigning inventor.

Applicable Law, Rules and MPEP

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

As to item (1), the MPEP provides:

> 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 non-signing 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.

MPEP 409.03(d).

Analysis

Applicant has not presented evidence that demonstrates that it is clear that the inventor understands exactly what it is that he is being asked to sign. Applicant is cautioned that receipt of an application via email transmission must be demonstrated by the Applicant before a petition may be granted. While receipt of an email may be confirmed by the sender, receipt of an email attachment may not be confirmed by the sender. Absent an express refusal to join in the application, Applicant must present a copy of the application papers to the nonsigning inventor.

The MPEP further provides

> 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. (Emphasis supplied).

MPEP 409.03(d).

In this instance, Applicant asserts that a copy of the application was sent to the nonsigning inventor via email, however, there is no evidence to support a finding that the application was received by the inventor. Applicant is advised to mail the application (specification, claims and drawings), to the last known address of the inventor. That address should be the last known address at which the inventor customarily receives mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

Conclusion

The petition is dismissed without prejudice. Applicant must make a bona fide effort to present a copy of the application to the nonsigning inventor before a refusal to join in the application may be alleged.

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 should be directed to the undersigned at (571) 272-3232.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VARIAN SEMICONDUCTOR EQUIPMENT ASSC., INC.
35 DORY RD.
GLOUCESTER MA 01930-2297

MAILED

APR 24 2009

OFFICE OF PETITIONS

In re Application of:	:	
Erokhin et al.	:	DECISION GRANTING
Application No.: 12/212386	:	PETITION UNDER
Filing or 371(c) Date: 09/17/2008	:	37 CFR 1.47(a)
Title of Invention:	:	
WAFER BONDING ACTIVATED BY	:	
ION IMPLANTATION	:	

This Decision is in response to the "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a)," filed March 30, 2009, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **granted**.

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

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

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

The application file is being referred to Technology Center Art Unit 2812 for examination in the normal course of business.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MR. PETER NUNAN
16070 ROSE AVENUE
MONTE SERENO, CA 95030

MAILED

APR 24 2009

OFFICE OF PETITIONS

In re Application of:	:	
Erokhin et al.	:	LETTER
Application No.: 12/212386	:	
Filing or 371(c) Date: 09/17/2008	:	
Title of Invention:	:	
WAFER BONDING ACTIVATED BY	:	
ION IMPLANTATION	:	

Dear Mr. Nunan:

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

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

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

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

CC: VARIAN SEMICONDUCTOR EQUIPMENT ASSC., INC.
35 DORY RD.
GLOUCESTER MA 01930-2297

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MR. PETER NUNAN
16070 ROSE AVENUE
MONTE SERENO, CA 95030

MAILED

APR 24 2009

OFFICE OF PETITIONS

In re Application of:	:	
Erokhin et al.	:	LETTER
Application No.: 12/212386	:	
Filing or 371(c) Date: 09/17/2008	:	
Title of Invention:	:	
WAFER BONDING ACTIVATED BY	:	
ION IMPLANTATION	:	

Dear Mr. Nunan:

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

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

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

CC: VARIAN SEMICONDUCTOR EQUIPMENT ASSC., INC.
35 DORY RD.
GLOUCESTER MA 01930-2297

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

G. LINK CO. LTD.
3550 BELL ROAD
MINOOKA, IL 60447

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FEB 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Ling et al.	:	
Application No. 12/212,405	:	ON PETITION
Filed: September 17, 2008	:	
Attorney Docket No. P-1350	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a complete reply to the Notice to File Missing Parts of Nonprovisional Application, mailed September 30, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 1, 2008. A Notice of Abandonment was mailed June 9, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the statutory basic filing fee, search fee, examination fee, and surcharge of $65, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

The revocation of power of attorney and change of correspondence address filed December 16, 2009, is hereby accepted and made of record.

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

Chris Bottorff
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.
12/212,406	09/17/2008	Katsunori Makihara	091619-0224	1264

23524 7590 01/20/2010
FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

EXAMINER
LOKE, STEVEN HO YIN

ART UNIT	PAPER NUMBER
2818	

MAIL DATE	DELIVERY MODE
01/20/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application of
MAKIHARA et al.
Application No.: 12/212,406
Filed: 17 September 2008
Attorney Docket No.: 091619-0224
For: LIGHT-EMITTING DEVICE WITH ENHANCED LUMINOUS EFFICIENCY AND METHOD OF PRODUCING THE SAME

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 23 November 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Lee W. Young
TQAS
Technology Center 2800

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

SALIWANCHIK LLOYD &SALIWANCHIK
A PROFESSIONAL ASSOCIATION
P.O. Box 142950
Gainsville, FL 32614, USA

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DEC 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Jack L. ARONOWITZ	:	
Application No. 12/212,420	:	DECISION ON PETITION
Filed: September 17, 2008	:	
Attorney Docket No. ARO-105D1	:	

This is a decision on the petition, under 37 CFR 1.137(b) filed on August 7, 2009, to revive the above-identified application, and a decision on the petition under 37 CFR 1.181 (no fee), filed August 10, 2009, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.137(b) is DISMISSED as moot in view of the request filed August 10, 2009, withdrawing the petition to revive the application. No fee has been assessed to petitioner's deposit account for the petition under 37 CFR 1.137(b).

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to reply to the Notice to File Corrected Application Papers mailed September 29, 2008, which set a two (2) month shortened statutory period for reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above identified application became abandoned on November 30, 2008. A Notice of Abandonment was mailed on June 9, 2009.

Petitioner asserts that the Notice to File Corrected Application Papers dated September 29, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice to File Missing Parts of Application, and, in the absence of any irregularity, there is a strong presumption that the above action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the above action was not in fact

received. In this regard, the showing required to establish the failure to receive the above action must consist of the following:

1. statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP 711.03(c) under the subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions are not Received," 1156 Official Gazette 53 (November 16, 193, See *In Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), 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).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Application No. 12/212,420

Telephone inquiries concerning this decision should be directed to Tammara Peyton at 571-272-6052 or in her absence, the undersigned at 571-272-7099.

This application is being referred to the Office of Patent Application Processing for further processing.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

G. LINK CO., LTD.
3550 Bell Road
Minooka, IL 60447

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Kow-Je Ling et al.	:	
Application No. 12/212,448	:	DECISION ON PETITION
Filed: September 17, 2008	:	
Attorney Docket No. 3127-202	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 18, 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 Non-Provisional Application (Notice), mailed October 2, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 3, 2008. A Notice of Abandonment was mailed June 11, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a surcharge fee of $65, a basic filing fee of $82, a search fee of $270, and an examination fee of $110 (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the fees are accepted as being unintentionally delayed.

Telephone inquiries should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received December 18, 2009.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

G. LINK CO., LTD.
3550 BELL ROAD
MINOOKA IL 60447

COPY MAILED
MAR 17 2010

In re Application of :
KOW-JE LING et al. :
Application No. 12/212,461 : ON PETITION
Filed: September 17, 2008 :
Attorney Docket No. 3127-203 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts (Notice), mailed October 01, 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 application became abandoned on December 02, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the required fee payment; (2) the petition fee of $810; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts (Notice) of October 01, 2008 is accepted as having been unintentionally delayed.

The Revocation of Power of Attorney and change of Correspondence Address filed December 22, 2009 has been accepted.

Telephone inquiries concerning this decision should be directed to Miranda Le at (571) 272-4112 or in her absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 2812 for appropriate action on the concurrently filed amendment.

David Bucci
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APR 09 2010

OFFICE OF PETITIONS

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In Re application of
Chung-Jyh Lin
Application No. 12/212,492
Filed: September 17, 2008
Attorney Docket No. 4459-0811PUS1

ON PETITION

This is a decision on the petition under 37 CFR 1.59(b), September 11, 2009 to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that documents filed as a response to the non-final Office action for Application No. 11/523,719, filed July 6, 2009 be expunged from the record. Petitioner states that the information submitted was erroneously filed in the instant application. The petition fee set forth in 37 CFR 1.17(g) has been charged to petitioner's deposit account.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in an unrelated application.

The expunged material has been removed from the official file.

The application is a patented file.

Telephone inquiries relative to this decision should be directed to Carl Friedman at (571) 272-6842.

/David Bucci
Petitions Examiner
Office of Petitions

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SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD
SUITE 1000
DALLAS TX 75252

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JUL 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Andreas Thies, et al.	:	DECISION ON PETITION
Application No. 12/212,498	:	TO WITHDRAW
Filed: September 17, 2008	:	FROM RECORD
Attorney Docket No. QIM 2008 P 00486 US	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed June 17, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WILSON SONSINI GOODRICH AND ROSATI/
SAPPHIRE ENERGY INC.
650 PAGE MILL RD.
PALO ALTO, CA 94304

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MAR 05 2010

In re Application of	:	
Aravanis et al.	:	DECISION ON PETITION
Application No. 12/212,558	:	TO WITHDRAW
Filed: September 17, 2008	:	FROM RECORD
Attorney Docket No. 0708US-UTL2	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 30, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on February 22, 2010 the power of attorney to Wilson Sonsini Goodrich and Rosati/ was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Sapphire Energy
3115 Merryfield Row
San Diego CA 92121

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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LOCKE LIDDELL & SAPP LLP
ATTN: IP DOCKETING
600 TRAVIS
3400 CHASE TOWER
HOUSTON TX 77002-3095

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MAY 24 2007

OFFICE OF PETITIONS

In re Application of :
Fenton, et al. :
Application No. 11/537,719 : ON PETITION
Filed: October 2, 2006 :
Attorney Docket No. 020589-00006 :
For: ASSISTED SEISMIC MEASURING
SYSTEM INCLUDING GPS RECEIVERS

This decision is in response to the petition under 37 CFR 1.47(a), filed May 4, 2007.

The petition is **GRANTED.**

Petitioner havs shown that the non-signing inventor, Patrick C. Fenton, has refused to join in the filing of the above-identified application, through his attorney, after having been presented with the application papers. Specifically, the exhibits to the petition establish that petitioner requested Mr. Fenton sign the declaration in a letter dated April 16, 2007 to his U.S. patent counsel, Ms. Patricia A. Sheehan. It is noted a copy of the application was included in the April 16, 2007 mailing. Ms. Sheehan received the package and stated in a letter date April 27, 2007 that her client would not sign the declaration. Petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After the mailing of this decision, the application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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JUN 2 1 2010

OFFICE OF PETITIONS

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

In re Application of	:	
Scott Becker, et al.	:	
Application No. 12/212,562	:	DECISION GRANTING PETITION
Filed: September 17, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. BECKP004AC1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 17, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 20, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding the 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 2892 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/212,569	09/17/2008	Norman David HEIDEBRECHT	020589-00006B2	1583

7590 01/28/2010
LOCKE LORD BISSELL & LIDDELL LLP
ATTN: IP DOCKETING
600 TRAVIS
SUITE 3400
HOUSTON, TX 77002-3095

EXAMINER
LE, TOAN M

ART UNIT	PAPER NUMBER
2863	

NOTIFICATION DATE	DELIVERY MODE
01/28/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 02/18/2010 NFARMER
09/18/2009 INTERSJ 00006230 121322 12212569
02 FC:2111 255.00 CR

FORM PET651G (Rev. 08/07)

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Alexandria, VA 22313-1450
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KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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FEB 17 2010

OFFICE OF PETITIONS

In re Application of
Gregory Scott Kelley
Application No. 12/212,620
Filed: September 17, 2008
Attorney Docket No. CVALVE.060A

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 15, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Knobbe, Martens, Olson & Bear, LLP has been revoked by the assignee of the patent application on November 17, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: MEDTRONIC CARDIO VASCULAR
MOUNDS VIEW FACILITY SOUTH
8200 CORAL SEA STREET NE
MOUNDS VIEW, MN 55112

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WILLIAM D. BRENEMAN, ESQ.
BRENEMAN & GEORGES
3150 COMMONWEALTH AVENUE
ALEXANDRIA VA 22305

OCT 14 2008

In re Application of: SLACK, HOWARD C.
Serial No.: 12/212,623
Filed: September 17, 2008
Title: METHOD FOR RECONDITIONING FCR APG-68 TACTICAL RADAR UNITS

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on September 17, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The mailing of a Notice to File Corrected Application Papers on October 1, 2008 is evidence that the application was not complete and in condition for examination at the time of filing.

Note that the policy as published in the Federal Register on June 26, 2006 as outlined on 36326, part VIII, conditions for examination, section (f), conditions for examination include drawings in compliance with 37 CFR 1.84. As the drawings as filed were not in compliance with 37 CFR 1.84 at filing, the application is not considered to be complete under 37 CFR 1.51 and not in condition for examination at the time of filing. Therefore, the application is ineligible for consideration under the accelerated examination program.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

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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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

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APR 12 2010

OFFICE OF PETITIONS

In re Application of	:	
ALEXANDER, Samuel Wayne et al.	:	
Application No. 12/212,635	:	DECISION ON PETITION
Filed: September 17, 2008	:	TO WITHDRAW
Attorney Docket No. **34949-704.201**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 28, 2010

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

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 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **VIDOOP LLC c/o LARRY GRABLE, TOMLINSON & O'CONNELL, P.C.**
TWO LEADERSHIP SQUARE
211 NORTH ROBINSON AVENUE
SUITE 450
OKLAHOMA CITY, OKLAHOMA 73102

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.
12/212,669	09/18/2008	Konstantin CHOIKHET	20080131-01	1761

7590 12/03/2009
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER
THERKORN, ERNEST G

ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
12/03/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 12/02/2009 NFARMER
09/18/2008 INTEFSW 00000084 501078 12212669
02 FC:1111 518.00 CR

Adjustment date: 12/02/2009 NFARMER
09/30/2008 AGOITOM 00000022 501078 12212669
01 FC:1203 370.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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NEMARIS LLC
255 HUDSON AVENUE, PHE
NEW YORK NY 10013

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DEC 0 7 2009

OFFICE OF PETITIONS

In re Application of	:	
Frank Johan SCHWAB	:	
Application No. 12/212,699	:	DECISION ON PETITION
Filed: September 18, 2008	:	
Attorney Docket No.	:	

This is in response to the communication, filed June 22, 2009, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On October 02, 2008, the Office mailed a Notice to File Missing Parts, which set a two month shortened statutory period to reply. The application became abandoned on December 03, 2008, for failure to submit a timely response. On June 11, 2009, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the December 02, 2008 Office action. Specifically, petitioner states that all files are kept by Helmut Schwab at his address and if the Notice to File Missing Parts was received it would have been filed and kept in those files as indicated.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the October 02, 2008 Office action, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the Notice to File Missing Parts of October 02, 2008, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after October 02, 2008, to demonstrate nonreceipt of the

Notice to File Corrected Application Papers. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Office action had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office action, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the Notice to File Corrected Application Papers was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after October 02, 2008; the period when he would have received the October 02, 2008 Office action.

In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Helmut Schwab) was ever given a power of attorney to act on behalf of inventor Frank Johan Schwab, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b).

Therefore, the petition to withdraw the holding of abandonment is **dismissed**.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

Cc: **HELMET SCHWAB**
61 WESTCOTT ROAD
PRINCETON, NJ 08540

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the Office action dated October 02, 2008.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/212,699	09/18/2008	Frank Johan Schwab	

CONFIRMATION NO. 1818

FORMALITIES LETTER

82630
Nemaris LLC
255 Hudson Avenue , PHE
New York, NY 10013

OC000000032326235

Date Mailed: 10/02/2008

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of **$65** for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$65** for a small entity
- **$65** Surcharge.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/fberhane/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/212,699	09/18/2008	2628	435		9	1

CONFIRMATION NO. 1818

82630
Nemaris LLC
255 Hudson Avenue , PHE
New York, NY 10013

FILING RECEIPT

OC000000032326234

Date Mailed: 10/02/2008

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)

Frank Johan Schwab, Residence Not Provided;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/29/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/212,699**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Adaptive Software and Hardware System for Scientific Image Processsing

Preliminary Class

345

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS MO 63102

MAILED

MAR 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Frank Johan SCHWAB	:	
Application No. 12/212,699	:	DECISION ON PETITION
Effective Date: September 18, 2008	:	
Attorney Docket No. NEM 6690	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 08, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 02, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 03, 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 declaration and fee previously submitted July 31, 2009, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of October 02, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

This application is being referred to the Office Patent Application Processing.

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
www.uspto.gov

CHRISTOPHER P MAIORANA, PC
LSI Corporation
24840 HARPER
SUITE 100
ST CLAIR SHORES MI 48080

COPY MAILED

JUL 0 7 2009

OFFICE OF PETITIONS

In re Application of	:	
MUKHERJEE and GOPALAKRISHNAN	:	DECISION REFUSING STATUS
Application No. 12/212,736	:	UNDER 37 CFR 1.47(b)
Filed: 09/18/2008	:	
Attorney Docket No. 1496.00576 / 06-2165	:	
Title: AUTOMATED SPECIFICATION	:	
BASED FUNCTIONAL TEST	:	
GENERATION INFRASTRUCTURE	:	

This is in response to the petition under 37 CFR 1.47(b), filed December 4, 2008 (certificate of mailing dated December 2, 2008).

Applicants showed that the non-signing inventors refused to join in the application after being presented with a copy of the application papers. Applicants demonstrated that LSI Corporation has a proprietary interest in the above-identified application with the copy of an Employment Agreement executed by the non-signing inventors. Applicants submitted the requisite fees. Additionally, applicants showed that such action is necessary to prevent irreparable damage.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) proof of irreparable damage. Applicants lack item (2) as set forth above. Accordingly, the petition is **dismissed**.

Applicants are given **TWO (2) MONTHS** from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventors. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

As to item (2), the declaration submitted on petition does not identify the country of citizenship of each of the non-signing inventor as set forth in 37 CFR 1.63(c)(1). The Office notes that where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor(s). To correct the deficiency, applicants must submit a new declaration, signed on behalf of the non-signing inventor, stating the non-signing inventors' full names, residences, post office addresses, and citizenships.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted electronically via EFS-Web.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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JAN 12 2010

OFFICE OF PETITIONS

CHRISTOPHER P MAIORANA, PC
LSI Corporation
24840 HARPER
SUITE 100
ST CLAIR SHORES MI 48080

In re Application of	:	
MUKHERJEE and GOPALAKRISHNAN	:	DECISION NOTING JOINDER OF
Application No. 12/212,736	:	INVENTORS AND PETITION
Filed: 09/18/2008	:	UNDER 37 CFR 1.47(b) AS MOOT
Attorney Docket No. 1496.00576 / 06-2165	:	
Title: AUTOMATED SPECIFICATION	:	
BASED FUNCTIONAL TEST	:	
GENERATION INFRASTRUCTURE	:	

This is in response to the renewed petition under 37 CFR 1.47(b), filed August 6, 2009.

In view of the joinder of the inventors, further consideration under 37 CFR 1.47(b) is not necessary. Accordingly, the petition is dismissed as involving a moot issue. This application does not have any Rule 1.47(b) status. This matter does not need to be returned to the Office of Petitions for further consideration under 37 CFR 1.47(b).

This matter is being referred to the Technology Center Art Unit 2113 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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WINSTEAD PC
P.O. BOX 50784
DALLAS TX 75201

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JUN 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Kenneth L. SHAW	:	
Application No. 12/212,871	:	DECISION ON PETITION
Filed: September 18, 2008	:	
Attorney Docket No. 46950-P014US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 21, 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 October 06, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 07, 2010.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of $810.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of October 06, 2009, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application file is being referred to Technology Center AU 3671 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/212,968	09/18/2008	Rudolf W. Gunnerman	015736-000700US	1284

20350 7590 02/16/2010
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
02/16/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

FEB 16 2010

In re Application of	:	
Gunnerman et al.	:	DECISION ON PETITION
Application No. 12/212,968	:	TO MAKE SPECIAL UNDER
Filed: 9/18/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **015736-000700US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/29/2010, 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 -------) 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.

Applicants arguments regarding the suggested classification have been considered but are not deemed to be persuasive. While applications are routinely cross referenced in multiple related classes/subclasses, the Original classification is determined by the following factors:

1) Hierarchy of categories of subject matter (e.g. method of using claims determine classification over article claims).

2) Superiority of types of subject matter (e.g. chemical subject matter controls over electrical subject matter).

3) Class superiority. All classes in the US Classification system are assigned a relative superiority. This listing of all classes arranged by their relative superiority can be found on the USPTO website on the Classification Home Page under the link entitled "Classes Within the US Classification System Arranged by Related Subjects."

Based on the criteria above, the current Original classification is deemed to be appropriate.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1797 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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.
12/212,968	09/18/2008	Rudolf W. Gunnerman	015736-000700US	1284

20350 7590 06/15/2010
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

ART UNIT	PAPER NUMBER
1797	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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TOWNSEND AND TOWNSEND AND CREW, LLP
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EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

JUN 15 2010

In re Application of	:	
Gunnerman et al.	:	DECISION ON PETITION
Application No. 12/212,968	:	TO MAKE SPECIAL UNDER
Filed: 9/18/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **015736-000700US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 5/26/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must 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 1797 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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Alexandria, VA 22313-1450
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NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
EMERYVILLE CA 94662-8097

MAILED

NOV 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Polo et al.	:	
Application No. 12/212,978	:	DECISION ON PETITION
Filed: September 18, 2008	:	
Attorney Docket No. PP015900.0007	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed October 9, 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 December 10, 2008. A Notice of Abandonment was mailed June 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office. It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the

particular party in whose behalf he/she acts. While, a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
Petition Examiner
Office of Petitions

cc: Regina Bautista
4560 Horton Street
Emeryville, CA 94608

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

JAN 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Andrea Pfeifer, et al.	:	
Application No. 12/213,006	:	DECISION ON PETITION
Filed: June 12, 2008	:	TO WITHDRAW
Attorney Docket No. 089667-0143	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 19, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Foley & Lardner, LLP has been revoked by the assignee of the patent application on January 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/03/09

TO SPE OF : ART UNIT 3747

SUBJECT : Request for Certificate of Correction for Appl. No.: 12213064 Patent No.: 7597091

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

x **Approved**	**All** changes apply.
❑ **Approved in Part**	Specify below which changes **do not** apply.
❑ **Denied**	State the reasons for denial below.

Comments: The requested changes are accepted, however it should be noted that the error arose on the part of applicant. (See the application data sheet received on 6/13/2008 which listed the priority document incorrectly.)

/Erick Solis/ for S. Cronin 3747

SPE **Art Unit**

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 12 2010

OFFICE OF PETITIONS

DICKINSON WRIGHT PLLC
1875 Eye Street, NW
Suite 1200
WASHINGTON DC 20006

In re Application of	:	
Ghil Soo Nam	:	
Application No. 12/213,067	:	DECISION ON PETITION
Filed: June 13, 2008	:	TO WITHDRAW
Attorney Docket No. 31109-9	:	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 January 29, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Joshua B. Goldberg does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Joseph B. Goldberg
112 S. West Street
Alexandria, VA 22314

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.
12/213,076	06/13/2008	Koichi Nakao	136565	8557

7590 03/29/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
NGUYEN, TAN QUANG

ART UNIT	PAPER NUMBER
3661	

NOTIFICATION DATE	DELIVERY MODE
03/29/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 03/29/2010 NFARMER
05/15/2008 SZEWDIEI 00000072 12213076
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

0 7 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF MICHAEL A. SANZO, LLC
15400 CALHOUN DR.
SUITE 125
ROCKVILLE MD 20855

In re Application of: KORTH, et al.	:	
U.S. Application No.: 12/213,077	:	
PCT No.: PCT/EP2006/068674	:	
International Filing Date: 20 November 2006	:	DECISION
Priority Date: 16 December 2005	:	
Attorney's Docket No.: 7601/15300	:	
For: METHOD FOR THE PRODUCTION OF (MERCAPTOORGANYL)ALKYL POLYETHER SILANES	:	

This decision is issued in response to applicant's "Petition Under 37 C.F.R. § 1.181 to Recognize the Application as an Application Filed Under 35 U.S.C. § 371" filed 11 March 2009 to have the present application treated as a U.S. national stage application filed under 35 U.S.C. 371. No petition fee is due.

BACKGROUND

On 20 November 2006, applicant filed international application PCT/EP2006/068674. The international application claimed an earlier priority date of 16 December 2005, and it designated the United States. On 21 June 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office ("USPTO"). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 16 June 2008.

On 13 June 2008, applicant initiated the present application by filing a transmittal letter to Mail Stop PCT which identified the application as a "Submission Under 35 USC § 371" and accompanying materials, including payment of the basic national fee, an English translation of the international application as filed, an Application Data Sheet and a preliminary amendment. The application was processed by the USPTO as a filing under 35 U.S.C. 111(a).

On 02 July 2008, applicant was mailed a filing receipt and a "NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b)" informing applicant of the need to file a executed oath or declaration of the inventors. Applicant was afforded two months to file a proper response.

On 26 August 2008, applicant responded with an executed, combined declaration and power of attorney.

On 12 September 2008, the USPTO issued an Official Filing Receipt which again did not reference the international application.

On 29 December 2008, applicant was mailed a "NOTICE OF PUBLICATION OF APPLICATION."

On 11 March 2009, applicant filed the petition considered herein. The petition requests that the present application be treated as a national stage application filed under 35 U.S.C. 371.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

> The documents and fees submitted . . . must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise the submission will be considered as being made under 35 U.S.C. 111(a).

In addition, section 1893.03(a) of the MPEP states that:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

The transmittal letter filed by applicant on 13 June 2008 clearly identified the application as "Entry into National Stage for: Intl. Appl. No.: PCT/EP2006/068674 Intl. Filing Date: November 20, 2006." The preliminary amendment and Application Data Sheet similarly identified the application as a US National stage of PCT/EP2006/068674. No contradictory instructions were submitted. Accordingly, the present application, 12/213,077, is appropriately treated as the national stage, filed under 35 U.S.C. 371, of international application PCT/EP2006/068674. The filing status of this application will therefore be corrected to a national stage application submitted under 35 U.S.C. 371, as requested by applicant in the present petition.

Applicant's filing of 26 August 2008 included an executed declaration that complies with the requirements of 37 CFR 1.497. Thus, as of 26 August 2008 , applicants have satisfied the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4).

CONCLUSION

The petition under 37 CFR 1.181 is GRANTED to the extent that the present application will be treated a national stage, filed under 35 U.S.C. 371, of international application of PCT/EP2006/068674.

The filing receipts mailed 02 July 2008 and 12 September 2008 are hereby VACATED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a Notification of Acceptance of Application (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 26 August 2008.

Derek A. Putonen
Attorney Advisor
Office Of PCT Legal Administration
Telephone: (571) 272-3294
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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MAY 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Andrea Pfeifer, et al.	:	
Application No. 12/213,007	:	DECISION ON PETITION
Filed: June 12, 2008	:	TO WITHDRAW
Attorney Docket No. 089667-0144	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 19, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Foley & Lardner, LLP has been revoked by the applicant of the patent application on February 23, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: ANDREA PFEIFER
RTE DE FENIL 16A
ST-LEGIER 1806 SWITZERLAND

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date : November 6, 2009

Patent No. :7568473
Inventor(s) :Motouchi
Issued :August 4, 2009
Title :AUXILLIARY-GAS SUPPLYING APPARATUS FOR COMBUSTION ENGINE

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 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 Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	571-273-8300 ATTN: Office of Petitions
EFS web	uspto.gov/ebc/index.html (must be registered as an e-filer to submit responses) Technical Support 1-866-217-9197

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756- 1544

Paul C. Lewis
BIRCH, STWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747

/arg

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

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AUG 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Ichikatai, Yukio	:	
Application No. 12/213,138	:	ON PETITION
Filed: June 16, 2008	:	
Attorney Docket No. SOY-0023	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 1, 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 an Oath/Declaration and the $130.00 late surcharge, (2) the $1620.00 petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 3747.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of :
Seok Koh et al :
Application No. 12/213,194 : ON PETITION
Filed: June 16, 2008 :
Attorney Docket No. P58613

This is a decision on the petition, filed July 8, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 2, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1793 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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.
12/213,249	06/17/2008	Cheng-AN Yang	YANG3380/EM	1118

7590 02/23/2010
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER
REYNOLDS, STEVEN ALAN

ART UNIT	PAPER NUMBER
3728	

MAIL DATE	DELIVERY MODE
02/23/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 02/24/2010 NFARMER
06/18/2008 RAHMED1 00000041 12213249
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/213,258	06/17/2008	Katsuhisa Tsuji	01-1658	9782

7590 01/08/2010
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
3684	

MAIL DATE	DELIVERY MODE
01/08/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 01/11/2010 MFARMER
05/12/2009 [illegible] 00000025 12211258
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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.
12/213,281	06/17/2008	Shin-ichi Kanno	07906.0030-01000	9911

7590 06/10/2010
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
TO, BAOTRAN N

ART UNIT	PAPER NUMBER
2435	

MAIL DATE	DELIVERY MODE
06/10/2010	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Replacement date: 06/14/2010 NFARMER
06/10/2010 SZENDIE1 00220045 12213281
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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.
12/213,313	06/18/2008	Kung-Hsu Yeh	YEHK3005/EM	1324

7590 02/23/2010
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER
MOORE, KARLA A

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
02/23/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCDERMOTT WILL
& EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

MAILED

APR 23 2009

OFFICE OF PETITIONS

In re Application of

Adachi, et al. :

Application No. 12/213,318

: DECISION ON PETITION

Filed: June 18, 2008

:

Attorney Docket No. 062807-0516

This is a decision on the petition under 37 CFR 1.137(b), filed April 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 26, 2008, which set a shortened statutory period for reply of three- month from its mailing date. A response was not received within the allowable period. The application became abandoned on December 27, 2008.

The response filed April 3, 2009, is noted.

The application is being forwarded to Technology Center 2800, GAU 2821 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

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.
12/213,350	06/18/2008	Manabu Higashi	137313	1440

7590 03/04/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
PICKARD, ALISON K

ART UNIT	PAPER NUMBER
3676	

NOTIFICATION DATE	DELIVERY MODE
03/04/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 03/04/2010 NFARMER
06/19/2008 SZEWDI21 00000062 12213350
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Kikuo Ono	: DECISION ON REQUEST FOR
Patent Number	: 7630046	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/213,375	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **6** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Gertrude T. Guthrie

Application No. 12213452

Filed: June 19,2008

Attorney Docket No. 0072515-000001

: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 09-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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE HONG KONG POLTECHNIC UNIVERSITY
1800 DIAGONAL ROAD, SUITE 600/MAILBOX #119
ALEXANDRIA, VA 22314

COPY MAILED

SEP 15 2008

In re Application of	:	
COW, et al.	:	
Application No. 12/213,492	:	DECISION ON PETITION TO
Filed: June 20, 2008	:	WITHDRAW FROM RECORD
Attorney Docket No. IP-380X	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 21, 2008.

The request is 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. 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 Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request "currently leaving employment position of which I was in-house patent attorney" does not meet any of the conditions set forth in 37 CFR 10.40.

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 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUN 2 5 2010

Kenyon & Kenyon LLP
1500 K Street N.W.
Suite 700
Washington, DC 20005

In re application of Oba et al. Application No. 12/213,530 Filed: June 20, 2008 For: POWER OUTPUT APPARATUS AND HYBRID VEHICLE WITH POWER OUTPUT APPARATUS	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 22, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 April 22, 2010 and the IDS document filed 6/15/2010, 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 Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 6/10/10

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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Takanori Nakayama	: DECISION ON REQUEST FOR
Patent Number	: 7576828	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/213,531	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/20/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/213,568	06/20/2008	Koji Shinohe	2052.1008	2310

7590 11/25/2009

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
TON, MINH TOAN T

ART UNIT	PAPER NUMBER
2889	

MAIL DATE	DELIVERY MODE
11/25/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 06/03/2010

Applicant	: Fu-Yuan Hsieh	: DECISION ON REQUEST FOR
Patent Number	: 7626231	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/213,629	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/23/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **38** 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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Paper No.

MCGINN INTELLECTUAL
PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

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NOV 21 2008

OFFICE OF PETITIONS

In re Application of :
Hirofumi Fujiwara : DECISION ON PETITION
Application No. 12/213,662 :
Filed: June 23, 2008 :
Attorney Docket No. NEL-997US :

This is a decision on the PAPER, OR IN THE ALTERNATIVE, PETITION FOR DATE OF DEPOSIT filed August 19, 2008. Applicants petition for the date of deposit of figures 1-7 as June 23, 2008, and thereby, for the above-identified application to be accorded a filing date of June 23, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on June 23, 2008. However, on July 21, 2008, the Office of Patent Application Processing mailed applicants a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION. Applicants were thereby notified that the application had not been accorded a filing date because the application was filed without drawings.

In response, the instant petition was timely filed. Applicants maintain that Figures 1-7 were not omitted from the application as filed on June 23, 2008. In support thereof, applicants

---

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

submit a copy of the seven (7) sheets of Formal Drawings (Figures 1-7) filed with the new application on June 23, 2008 and copies of the date-stamped post card receipt.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of applicants' postcard receipt reveals that: 1) it was date stamped as received in the USPTO on June 23, 2008; 2) it specifically identifies the items being filed, including "7 Sheets of Formal Drawings (Figs. 1-7)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including the 7 sheets of drawings, were filed on June 23, 2008.

Accordingly, it is concluded that this application is entitled to a filing date of June 23, 2008.

Given the basis for granting the petition, the petition fee is subject to refund. Accordingly, although authorized, no petition fee is being charged to Deposit Account No. 50-0481.

The application is being forwarded to the Office of Patent Application Processing for:

- **correction of the filing date to June 23, 2008** using the application papers received in the Office and presently accorded that date; and the 7 sheets of drawings containing Figs. 1-7 re-supplied on petition filed August 19, 2008;

- indication in Office records that 7 sheets of drawings were present in the application on filing.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from the Office of Patent Application Processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Harukazu Miyamoto	: DECISION ON REQUEST FOR
Patent Number	: 7630289	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/213,762	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/24/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Harukazu Miyamoto	: DECISION ON REQUEST FOR
Patent Number	: 7639595	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/213,763	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/24/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.
12/213,765	06/24/2008	Masaru Takagi	14476/4	4001

23838 7590 07/19/2010
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER
APICELLA, KARIE O

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
07/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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July 19, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Masaru Takagi et al.	:	PARTICIPATE IN PATENT
Serial No. 12/213,765	:	PROSECUTION HIGHWAY
Filed: June 24, 2008	:	PROGRAM AND
For: STORAGE EQUIPMENT AND	:	PETITION TO MAKE SPECIAL
VEHICLE	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed June 09, 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 independent 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

(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

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 07/28/2010

Applicant	: Tsung-I Lo	: DECISION ON REQUEST FOR
Patent Number	: 7650769	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/213,812	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/25/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/213,827	06/25/2008	Seiji Nakayama	2018-2032	4215

7590 09/10/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
LORENCE, RICHARD M

ART UNIT	PAPER NUMBER
3655	

MAIL DATE	DELIVERY MODE
09/10/2009	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

FORM PET651G (Rev. 08/07)

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

6/24/09

In re Application of	:
TATEBAYASHI, YASUSHI	: DECISION ON REQUEST TO
Application No. 12/213,831	: PARTICIPATE IN PATENT
Filed: June 25, 2008	: PROSECUTION HIGHWAY
Attorney Docket No. 07057.0259	: PROGRAM AND PETITION
For: AIR-BLEED GAS TURBINE	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program under 37 CFR 1.102(d), filed June 23, 2009 to make the above-identified application special.

The request is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h) of $130.00 has been paid.

The request to participate in the PPH program and petition comply with the above requirements. Receipt of the requested document is acknowledged and has been entered. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner Michael Cuff, Art Unit 3741, at 571-272-6778.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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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23 JUL 2008

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

In re Application of IZUMI	:	
U.S. Application No.: 12/213,838	:	
PCT Application No.: PCT/JP2005/017780	:	
Int. Filing Date: 27 September 2005	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: 1341.1599	:	
For: OPTICAL SIGNAL SEPARATION DEVICE	:	
AND OPTICAL SIGNAL SEPARATION METHOD	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 25 June 2008.

BACKGROUND

On 27 September 2005, applicant filed international application PCT/JP2005/017780. A copy of the international application was communicated to the USPTO from the International Bureau on 05 April 2007. The thirty-month period for paying the basic national fee in the United States expired on 27 March 2008.

On 28 March 2008, international application PCT/JP2005/017780 became abandoned as to the United States for failure to timely pay the basic national fee.

On 25 June 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply in the form of a continuation application under 35 U.S.C. 111(a).

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.

International application PCT/JP2005/017780 is being revived for purposes of continuity only and since continuity has been established by this decision, international application PCT/JP2005/017780 is again abandoned as to the United States in favor of the continuation application submitted with the present petition.

This application is being forwarded to the Office of Patent Application Processing for processing as a continuation application under 35 U.S.C. 111(a).[1]

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

[1] Applicant is advised that the relationship between the application filed under 35 U.S.C. 111(a) and the parent application must be properly specified in the first sentence of the specification or in an application data sheet. Note that MPEP 201.11, Section III. A., states in relevant part, "[B]enefit claims under 35 U.S.C. 120, 121, and 365(c) must identify the prior application by application number, or by international application number and international filing date, and indicate the relationship between the applications. See 37 CFR 1.78(a)(2)(i). The relationship between the applications is whether the instant application is a continuation, divisional, or continuation-in-part of the prior nonprovisional application. An example of a proper benefit claim is "this application is a continuation of prior Application No. ---, filed ---." A benefit claim that merely states that "this application claims the benefit of Application No. ---, filed ---" does not comply with 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), since the relationship between the applications is not stated. In addition, a benefit claim that merely states that "this application is a continuing application of Application No. ---, filed ---" does not comply with 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing (i.e., continuation, divisional, or continuation-in-part) application, is not stated." (Emphasis added.)

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 05/21/2010

Applicant	: Dong-ha Choi	: DECISION ON REQUEST FOR
Patent Number	: 7665183	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/213,867	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/25/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Naoki Onishi	: DECISION ON REQUEST FOR
Patent Number	: 7664535	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/213,921	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/26/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **34** 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.
12/213,953	06/26/2008	Yasuhito Nakai	3273-0260PUS1	4895

7590 08/06/2009
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
BROOKS, CLINTON A

ART UNIT	PAPER NUMBER
1621	

NOTIFICATION DATE	DELIVERY MODE
08/06/2009	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.

Mioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 08/07/2009 NFARMER
06/27/2008 SZENDIE1 00000103 022448 12213953
02 FC:1111 510.00 CR
04 FC:1201 210.00 CR

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/213,978	06/26/2008	Jung-Suk Song	301/097	4569

7590 11/02/2009
LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER
TON, MINH TOAN T

ART UNIT	PAPER NUMBER
2889	

MAIL DATE	DELIVERY MODE
11/02/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/02/2009 0230076258

Credit Card Refund Total: $510.00

Am Exp..: XXXXXXXXXXX1003

Adjustment date: 11/02/2009 NFARMER
06/27/2008 JADDO1 00000029 12213978
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

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FEB 25 2010

In re Application of	:	
Kennedy, George Coulter	:	
Application No. 12/214,056	:	ON PETITION
Filed: June 16, 2008	:	
Attorney Docket No. 64561CON(50024)	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 14, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant's attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

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ANDERSON F. JOHNSON, JR.
415 MALLARD DRIVE
HARDYVILLE, VA 23070

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APR 22 2009
OFFICE OF PETITIONS

In re Application of	:	
Anderson Forbes JOHNSON, JR., et al	:	
Application No. 12/214,062	:	DECISION ON PETITION
Filed: June 17, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 23, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by Applicant William F. Johnson, Jr. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 3618 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

COPY MAILED

JAN 1 1 2010

In re Application of	:	
Joe Browne	:	DECISION ON PETITION
Application No. 12/214182	:	
Filing or 371(c) Date: 06/16/2008	:	
Attorney Docket Number:	:	
JOBR-1-1401	:	

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f)) filed September 15, 2009.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of a foreign or international application filed on June 16, 2009. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the foreign or international application.

In view of the above, this application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional[1].

[1] Petitioners' statement of unintentional delay varies from the Rule, 37 CFR 1137(f); however, this statement has been accepted that "the entire delay in filing the required reply from the due date for the reply until the filing of a

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing accompanies this Decision.

The application will be referred to Technology Center AU 1795 for examination in the normal course of business.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

Attachment: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

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grantable petition was unintentional." If Petitioner's cannot make this statement, they should notify the PTO immediately.

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/214,182	06/16/2008	Joe Brown	JOBR-1-1401

CONFIRMATION NO. 1051

25315
BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

NONPUBLICATION RESCISSION LETTER

OC000000039563044

Date Mailed: 01/11/2010

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 04/22/2010.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/dlwoods/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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ADRIAN VANCE
1400 RICCA CT.
LAKEPORT, CA 95453

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FEB 1 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Adrian Vance	:	
Application No. 12/214,316	:	DECISION ON PETITION
Filed: June 19, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 21, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1797 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

Mail Date: 04/21/2010

Applicant	: Yaakov Amitai	: DECISION ON REQUEST FOR
Patent Number	: 7672055	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/214,366	: OF WYETH
Filed	: 06/18/2008	:
		:

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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CST

January 8, 2009

In re application of Juan Carlos Gispert et al Serial No. 12/214,367 Filed: June 8, 2008 For: FROZEN CONFECTION	: : : : : : :	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 filed on October 21, 2008.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO, note where the EPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the EPO application with similar claims and the EPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the EPO application(s) 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 EPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. 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 EPO 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 EPO application is a first action allowance then no office action from the EPO 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 EPO 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 EPO examiner in the EPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALFRED J MANGELS
4729 CORNELL ROAD
CINCINNATI, OH 45241-2433

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MAR 0 9 2009

OFFICE OF PETITIONS

In re Application of Bastian et al. :
Application No. 12/214,409 :
Filing Date: June 17, 2008 :
Attorney Docket No. P050276/10WOUS :

Decision on Petition

This is a decision in response to the petition filed September 19, 2008, requesting the application be accorded a filing date of June 17, 2008.

The petition is **granted**.

The first page of the transmittal letter filed June 17, 2008, indicated the papers filed consisted of the following:

(1) 17 pages of "Specification (PCT),"
(2) 4 sheets of drawings,
(3) An Application Data Sheet,
(4) An English Translation Document,
(5) An Information Disclosure Document with copies of citations attached,
(6) A Preliminary Amendment,
(7) A Return Receipt Postcard, and
(8) Certified copy of Priority Document(s).

The second page of the transmittal letter the English translation was a "translation of the published German-language text of the international application (PCT/DE2006/002104) of which the present application is a continuation." The second page also stated, "The attached translation is requested to be considered as the U.S. continuation application."

The Office mailed a Notice of Incomplete Nonprovisional Application on July 14, 2008. The Notice indicated, in part, drawings did not appear to be part of the application as filed and that a filing date would be accorded upon the submission of drawings.

The application was accompanied by a complete copy of published International Application No. PCT/DE2006/002104. The petition indicates petitioner intended for the Office to separate the drawings from the document and then to use the drawings as part of the application papers. Since the four sheets of drawings at issue were present on June 17, 2008, although as part of the copy of International Application No. PCT/DE2006/002104 submitted with the application

papers, the application will be accorded a filing date of June 17, 2008. The Office has made a copy of each of the four sheets of drawings to be used when processing the instant application.

The papers filed June 17, 2008, failed to indicate petitioner intended for the Office to remove the drawings from a copy of another application and then use the drawings when processing the instant application. Therefore, the petition fee will not be refunded.

Petitioner may wish to note the Office has entered the Power of Attorney filed September 19, 2008.

The Office of Patent Application Processing will be informed of the instant decision and will process the application with a filing date of June 17, 2008, using the papers filed on June 17, 2008, including a copy of the four sheets of drawings which were filed as part of International Application No. PCT/DE2006/002104.

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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RONALD B. SEFRNA
P.O. BOX 567
TYLER TX 75710

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MAY 29 2009

OFFICE OF PETITIONS

In re Application of
Carroll V. Robison
Application No. 12/214,470
Filed: June 19, 2008
Attorney Docket No. 08RSPAT10

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely and proper manner to the Notice to File Corrected Application Papers (Notice) mailed July 15, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings; (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petition Examiner
Office of Petitions

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BRUCE & MCCOY
ONE KAISER PLAZA
STE. 750
OAKLAND CA 94612

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JUN 04 2009
OFFICE OF PETITIONS

In re Application of	:	
Ichimura, Kinya	:	
Application No. 12/214,480	:	ON PETITION
Filed: June 18,2008	:	
Attorney Docket No. 1017.532	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 21, 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 the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Bhiku Patel

Application No. 12214481

Filed: June 19,2008

Attorney Docket No. RLK-PRU-01-06-08

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 30-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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BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Joseph A. Lupia	: DECISION ON REQUEST FOR
Patent Number	: 7615503	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/214,487	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/19/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Joseph A. Lupia	: DECISION ON REQUEST FOR
Patent Number	: 7632795	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/214,501	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/19/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Joseph A. Lupia	: DECISION ON REQUEST FOR
Patent Number	: 7612026	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/214,509	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/19/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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UNIVERSITY OF FLORIDA
ATTN: JOHN BEUTTENMULLER
1022 MCCARTY HALL D
PO BOX 110200
GAINESVILLE FL 32611-0200

MAILED
APR 26 2010
OFFICE OF PETITIONS

In re Application of	:	
Craig Chandler	:	
Application No. 12/214,519	:	ON PETITION
Filed: June 20, 2008	:	
Attorney Docket No. None	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 22, 2010 and supplemented on February 16, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 4, 2010, as required by the Notice of Allowance and Fee(s) Due mailed October 1, 2009. Accordingly, the application became abandoned on January 5, 2010. A Notice of Abandonment was mailed January 14, 2010.

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); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. 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). This petition lacks item (1) and (3) above.

With regards to item (1), the petitioner did not submit the required reply. While the Office recognizes that the petitioner submitted fees totaling $1,490, the current amount due for the issue fee is $1,510, since the petitioner declares large entity status and $300 for the publication fee. Therefore, the fee in the mount of $1,190 is deficient by $390. See MPEP 711.03(c)(II)A1.

With regards to item (3), the statement of unintentional delay is not considered to be submitted by a proper party pursuant to 37 CFR 1.33, therefore, the statement of unintentional delay cannot be accepted at this time. Petitioner's attention is directed to 37 CFR 1.33(b), which states:

Amendments and other papers filed in the application must be signed by:

(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
(2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
(3) An assignee as provided for under §3.71(b) of this chapter; or
(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment submitted for recording) or by specifying (*e.g.*, reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Facsimile: **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: JOHN C. BEUTTENMULLER
1022 MCCARTY HALL D
P.O. BOX 110200
GAINESVILLE, FL 32611-0200

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JUL 16 2010

OFFICE OF PETITIONS

UNIVERSITY OF FLORIDA
ATTN: JOHN BEUTTENMULLER
1022 MCCARTY HALL D
PO BOX 110200
GAINESVILLE FL 32611-0200

In re Application of	:	
Craig Chandler	:	
Application No. 12/214,519	:	ON PETITION
Filed: June 20, 2008	:	
Attorney Docket No. None	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 5, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 4, 2010, as required by the Notice of Allowance and Fee(s) Due mailed October 1, 2009. Accordingly, the application became abandoned on January 5, 2010. A Notice of Abandonment was mailed January 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,190 and the publication fee of $300, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571)272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

Carl Friedman
Petitions Examiner
Office of Petitions

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MAR 29 2010

OFFICE OF PETITIONS

IMPERIUM PATENT WORKS
P.O. BOX 607
PLEASANTON, CA 94566

In re Application of Victor B. Kley Application No. 12/214,573 Filed: June 19, 2008 Attorney Docket: GEN-001-1C	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 22, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Darien K. Wallace, on behalf of all practitioners of record associated with Customer Number 47713.

Customer Number 47713 has been withdrawn as attorney of record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: VICTOR B. KLEY
GENERAL NANOTECHNOLOGY LLC
1119 PARK HILLS ROAD
BERKELEY, CA 94708

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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
12/214,573	06/19/2008	Victor B. Kley	GEN-001-1C

CONFIRMATION NO. 1851

POWER OF ATTORNEY NOTICE

47713
IMPERIUM PATENT WORKS
P.O. BOX 607
Pleasanton, CA 94566

OC000000040847193

Date Mailed: 03/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/22/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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ECKERT SEAMANS CHERIN & MELLOTT, LLC
U.S. STEEL TOWER
600 GRANT STREET
PITTSBURGH PA 15219-2788

MAILED

APR 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey A. Matos	:	
Application No. 12/214663	:	ON PETITION
Filing or 371(c) Date: 06/21/2008	:	
Attorney Docket Number:	:	
MATOS 218-KFM	:	

This Decision is in response to the Request to Designate Earlier Filing Date, filed February 11, 2010, requesting that the present application be accorded a filing date of June 20, 2009, instead of the presently accorded filing date of June 21, 2009, based upon the date of deposit with the United States Postal Service ("U.S.P.S."). In support of this assertion, Applicant files a copy Express Mail Mailing Label No. EH 10 4497 963 US. The petition is properly treated under 37 CFR 1.10(c).

The petition is **dismissed**.

Applicant files the present petition and Declaration of Jeffrey A. Matos, who assert that the application was deposited with the U.S. Postal Service Building on 32nd Street and Eighth Avenue in New York City on June 20, 2008. In support of this assertion, Applicant files a copy Express Mail Mailing Label No. EH 10 4497 963 US.

A review of Office records reveals that the Patent Application Transmittal Letter includes Express Mail Label No. EH 10 4497 963 US stamped thereon.

Applicable Law, Rules and MPEP

Applicant is advised that 37 CFR 1.6, Receipt of correspondence, in relevant part, states that

> (a) Correspondence received in the Patent and Trademark Office is stamped with the date of receipt except as follows:
> (1) The Patent and Trademark Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia. Except for correspondence transmitted by facsimile under paragraph (a)(3) of this section, or filed electronically under paragraph (a)(4) of this section, no correspondence is received in the Office

> on Saturdays, Sundays, or Federal holidays within the District of Columbia.
> (2) Correspondence filed in accordance with § 1.10 will be stamped with the date of deposit as "Express Mail" with the United States Postal Service.

Public Law 97-247, 96 Stat. 317 (1982), amended 35 U.S.C. § 21 permitting, but not requiring, the Office to prescribe that any paper or fee required to be filed in the Office be considered filed in the Office on the date on which it was deposited with the U.S. Postal Service. The Office promulgated 37 CFR § 1.10 pursuant to the authority provided in 35 U.S.C. § 21.

37 CFR § 1.8 provides a procedure by which the timely filing of papers and fees deposited with the U.S. Postal Service may be established without independent corroboration by an employee of the U.S. Postal Service (*i.e.*, established solely by the statement(s) from applicant or his or her counsel). The suggestion that 37 CFR § 1.8 be applicable to application papers deposited with the U.S. Postal Service for purposes of obtaining a filing date was considered and expressly rejected. The criticality of an application filing date was considered adequate to justify independent verification by an employee of the U.S. Postal Service of the date of deposit of the application papers with the U.S. Postal Service. See rulemaking entitled "Revision of Patent Procedure," published in the *Federal Register* at 48 *Fed. Reg.* 2696, 2702 (January 20, 1983), and in the Patent and Trademark Office *Official Gazette* at 1027 *Off. Gaz. Pat. Office* 9, 25 (February 1, 1983). (Emphasis supplied). Put simply, the insertion by a disinterested employee of the U.S. Postal Service of the date of deposit in the U.S. Postal Service by Express Mail on the Express Mail label of the envelop containing application papers is the *raison d'être* of 37 CFR § 1.10.[1]

37 CFR § 1.10, Filing of correspondence by "Express Mail", provides that

> (1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
> (2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).
> (b) Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked. Persons dealing indirectly with the employees of the USPS (such as by deposit in an "Express Mail" drop box) do so at the risk of not receiving a copy of the

[1] In promulgating 37 CFR § 1.10, the Office also considered other types of mail service (*e.g.*, registered mail and certified mail), but chose the "Express Mail" service since this service provides, *inter alia*, a legible mailing date on the "Express Mail" label for the records of both the applicant and the Office. See "Revision of Patent Procedure," 48 *Fed. Reg.* at 2697, 1027 *Off. Gaz. Pat. Office* 12-13.

> "Express Mail" mailing label with the desired "date-in" clearly marked. The paper(s) or fee(s) that constitute the correspondence should also include the "Express Mail" mailing label number thereon. See paragraphs (c), (d) and (e) of this section.
>
> (c) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

The MPEP cautions that

> correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearlymarked, and that persons dealing indirectly with the employees of the USPS (such as by depositing correspondence in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care, as discussed below. While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the "Express Mail" mailing label, parties are not precluded from using "Express Mail" drop boxes, but do so at their own risk. (Emphasis supplied).

Analysis

A review of the Express Mail Mailing Label reveals that it does not show the "date-in," nor does it contain any other official notation by the USPS. See, 37 CFR 1.10(c)(3). Moreover, a review of the USPS.com Track and Confirm for Express Mail Label No. EH10 4497 963US, reveals that "[t]here is no record of this item." As such, Applicant has not shown that there is a discrepancy

between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS. Applicant has thus failed to comply with the requirements of 37 CFR 1.10(c).

Regarding Applicant's Declaration, in response to objections to the use of affidavits and/or declarations to establish a filing date, the Office indicated that such affidavits or declarations are considered to explain activities that are supported by exhibits (*i.e.*, corroborate evidence). See "Revision of Patent Procedure," 48 *Fed. Reg.* at 2702-03, 1027 *Off. Gaz. Pat. Office* at 27-28. Thus, the Office appropriately requires the submission of corroborative documentary evidence to establish an application filing date.

Conclusion

Pursuant to 37 CFR 1.6, the date of receipt is the filing date accorded the application.

The petition is dismissed without prejudice. Applicant may file a request for reconsideration of petition and include the requisite showing.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto CA 94303

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NOV 19 2008

In re Application of	:	
William H. Robinson et al.	:	
Application No. 12/214,670	:	DECISION ON PETITION
Filed: June 20, 2008	:	UNDER 37 C.F.R. § 1.182
Attorney Docket No. STAN-528	:	
Title: BIOMARKERS FOR THE	:	
DIAGNOSIS OF AUTOIMMUNE DISEASE	:	

This is a decision on the petition filed September 22, 2008, requesting that the above-identified application be accorded a filing date of June 20, 2008, with Figures 2 and 6 as part of the original disclosure of the application.

Receipt of the concurrently submitted declaration and the associated surcharge is acknowledged.

The application was filed on June 20, 2008. However, on July 23, 2008, the Office of Data Management mailed a "Notice to File Missing Parts of Nonprovisional Application" (notice) stating that the application had been accorded a filing date of June 20, 2008, and advising applicants, *inter alia*, that the application appeared to have been deposited without pages 2 and 6 of the specification.

Petitioner has provided the required petition fee, has alleged that Figures 2 and 6 were included on filing, and has provided a copy of her date-stamped postcard receipt.

The PTO has a well-established and well-publicized practice of providing a receipt for papers filed in the PTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the PTO with a self-addressed postcard identifying the paper. A postcard receipt that *itemizes and properly identifies* the papers that are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

MPEP 503 states, *in pertinent part*:

> RETURN POSTCARD
> If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.
> The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).
> The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as prima facie evidence of receipt of those items.
> The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO,

> those items will be crossed off and the postcard initialed by the person receiving the items.
> Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as prima facie evidence of receipt of that item in the USPTO.

The postcard has been reviewed. It lists the inclusion of "Figures (9 sheets total; 7 sheets in triplicate)" and contains a date stamp of June 20, 2008. However, this postcard cannot be relied upon to establish that Figures 2 and 6 were received in the Office on June 20, 2008, due to the fact that it has not been properly itemized. The postcard indicates that the total number of sheets that were included on filing was 9. However, the postcard also indicates that 7 sheets were submitted in triplicate, which would mean that at least 21 sheets were submitted on filing. It is not possible that 21 sheets of drawings were submitted on filing, and yet the total number of sheets of drawings totaled 9 pages.

The postcard clearly does not contain a proper and adequate itemization of the papers which were presented on filing, and therefore, cannot be used to establish that two particular figures were presented on filing.

As such, this petition is **DISMISSED**.

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[1] hand-delivery,[2] or facsimile.[3]

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1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.

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 - the inclusion of any extraneous information 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.[4] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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Paper No.

Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto CA 94303

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of	:	
William H. Robinson et al.	:	
Application No. 12/214,670	:	DECISION ON RENEWED PETITION
Filed: June 20, 2008	:	UNDER 37 C.F.R. § 1.182
Attorney Docket No. STAN-528	:	
Title: BIOMARKERS FOR THE	:	
DIAGNOSIS OF AUTOIMMUNE DISEASE	:	

This is a decision on the renewed petition filed January 14, 2009, requesting that the above-identified application be accorded a filing date of June 20, 2008, with Figures 2 and 6 as part of the original disclosure of the application.

This renewed petition is **DISMISSED**.

The application was filed on June 20, 2008. However, on July 23, 2008, the Office of Data Management mailed a "Notice to File Missing Parts of Nonprovisional Application" (notice) stating that the application had been accorded a filing date of June 20, 2008, and advising applicants, *inter alia*, that the application appeared to have been deposited without pages 2 and 6 of the specification.

An original petition was filed September 22, 2008, along with the required petition fee, an allegation that Figures 2 and 6 had been included on filing, and a copy of a date-stamped postcard receipt.

The PTO has a well-established and well-publicized practice of providing a receipt for papers filed in the PTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the PTO with a self-addressed postcard identifying the paper. A postcard receipt that *itemizes and properly identifies* the papers that are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO. See MPEP § 503, which states, *in pertinent part*:

> RETURN POSTCARD
>
> If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.
> The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).
> The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as prima facie evidence of receipt of those items.
> The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the

> items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the postcard initialed by the person receiving the items.
> Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as prima facie evidence of receipt of that item in the USPTO.

The original petition was dismissed via the mailing of a decision on November 19, 2008, which set forth, *in pertinent part*:

> The postcard has been reviewed. It lists the inclusion of "Figures (9 sheets total; 7 sheets in triplicate)" and contains a date stamp of June 20, 2008. However, <u>this postcard cannot be relied upon to establish that Figures 2 and 6 were received in the Office on June 20, 2008, due to the fact that it has not been properly itemized</u>. The postcard indicates that the total number of sheets that were included on filing was 9. However, the postcard also indicates that 7 sheets were submitted in triplicate, which would mean that at least 21 sheets were submitted on filing. <u>It is not possible that 21 sheets of drawings were submitted on filing, and yet the total number of sheets of drawings totaled 9 pages</u>.
>
> The postcard clearly does not contain a proper and adequate itemization of the papers which were presented on filing, and therefore, cannot be used to establish that two particular figures were presented on filing.
>
> Decision on original petition, page 3. Emphases included.

With this renewed petition, Petitioner has argued that the "reading has been misinterpreted," as 9 *original* (emphasis added) sheets were included on filing, and "7 of those sheets…were sent in triplicate."[1]

Petitioner's argument has been considered, and has not been deemed to be persuasive. Petitioner would have the Office determine that the "7 sheets in triplicate" is a subset of the "9 sheets total," and that 7 of the 9 sheets were submitted in triplicate - as such, 23 sheets of figures were presented on filing (2 sheets of black and white drawings, and three identical seven-page sets of color drawings).[2]

However, the language that appears on the postcard, presumably prepared by either Petitioner or her agent, makes no

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1 Renewed petition, page 1.
2 <u>Id</u>.

differentiation between "original" and non-original sheets. Petitioner's interpretation is contrary to the plain language that appears on the postcard, which clearly and unambiguously states that the figures presented on filing consisted of "9 sheets total," or 9 total sheets. If "9 sheets total" was submitted on filing, and 7 sheets were submitted in triplicate, it is not possible that 23 sheets of drawings were submitted on filing, and yet the total number of sheets of drawings totaled 9 pages.

The decision on the original petition stands. As such, this renewed petition is **DISMISSED**.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for further processing with a **filing date of June 20, 2008**, and an indication in Office records that **Figures 2 and 6 were not present on filing**. The drawings submitted on September 22, 2008 will not be entered at this time.

It is noted that this application claims the benefit of prior-filed provisional application number 60/945,526.[3] Petitioner may wish to review 37 C.F.R. § 1.57 to determine if this might provide an avenue of relief.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[4]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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3 See page 2 of the Application Data Sheet presented on filing.
4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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Paper No.

Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto CA 94303

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Robinson et. al.	:	
Application No. 12/214,670	:	DECISION ON
Filed: June 20, 2008	:	PETITION UNDER
Attorney Docket No. STAN-528	:	37 C.F.R. § 1.57
Title: BIOMARKERS FOR THE	:	
DIAGNOSIS OF AUTOIMMUNE DISEASE	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.57 filed on March 17, 2009, requesting that the above-identified application, including Figures 2 and 6, be accorded a filing date of June 20, 2008, as part of the original disclosure.

This petition is **DISMISSED AS UNNECESSARY.**

The application was filed on June 20, 2008. However, on July 23, 2008, the Office of Data Management mailed a "Notice to File Missing Parts of Nonprovisional Application" (notice) stating that the application had been accorded a filing date of June 20, 2008, and advising applicants, *inter alia*, that the application appeared to have been deposited without Figures 2 and 6.

An original petition pursuant to 37 C.F.R. § 1.182 was filed on September 22, 2008, and was dismissed via the mailing of a decision on November 19, 2008. A renewed petition pursuant to 37 C.F.R. § 1.182 was filed on January 14, 2008, and was dismissed via the mailing of a decision on February 17, 2009.

It is noted that this application claims the benefit of prior filed U.S. Provisional Application number 60/945,526.[1]

Rule 1.57(a) provides a method whereby an applicant may amend an application to include an inadvertently omitted portion of the specification or drawing(s).

On September 21, 2004, Rule § 1.57(a) was added to read, *in pertinent part*:

> 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 § 1.55 for priority of a prior-filed foreign application, or 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 § 1.55 or § 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).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

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[1] On the first page of this petition, Petitioner has indicated that the provisional application is "incorporated in its entirety by reference in the instant application." However, Petitioner will note that an incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Indus. v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980).

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

...

(3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

M.P.E.P § 201.06(c)(IV)(A) sets forth, *in pertinent part*:

> If a continuation or divisional application as originally filed on or after September 21, 2004 does not include an explicit incorporation by reference statement and is entitled to a filing date despite the inadvertent omission of a portion of the prior application(s), applicant may be permitted to add the omitted material by way of an amendment under 37 CFR 1.57(a). Such an amendment must be made within any time period set by the Office. See 37 CFR 1.57(a)(1).

With this petition, Petitioner has included the petition fee. It is noted that copies of Figures 2 and 6 were submitted on September 22, 2008.

This petition is dismissed because the application as filed was entitled to a filing date even if drawings were not present in the application. See MPEP § 601.01(f). Thus, a petition under Rule 1.57(a) is not the proper vehicle to achieve Petitioner's goal.

The electronic file has been reviewed, and an amendment which directs the entry of these two Figures has not been located.[2] **Petitioner may wish to consider filing such an amendment.** The entry of any such amendment will be determined by the Examiner.

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.

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2 See 37 C.F.R. § 1.121(a).

The general phone number for OPAP is 571-272-4000. Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Anthony Knight
Supervisor
Office of Petitions

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SUITE 3800
CHICAGO IL 60661

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OCT 16 2008

OFFICE OF PETITIONS

In re Application of	:
Wilson, Higgs, Kopcinski,	: DECISION REFUSING STATUS
Petracek, and Warrior	: UNDER 37 CFR 1.47(a)
Application Number: 12/214679	:
Filing Date: 06/20/2008	:
Attorney Docket Number:	:
VAL06131P01161US	:

This is in response to the petition under 37 CFR 1.47(a) filed on September 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 June 20, 2008, without an executed oath or declaration. Accordingly, on July 11, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and a surcharge for its late filing.

In response, on September 15, 2008 (certificate of mailing date September 11, 2008), the present petition was filed, accompanied by a declaration naming Dale O. Wilson, Jr., Nicole Higgs,

Mariola Kopcinzki, Peter D. Petracek, and Prem Warrior as joint inventors, signed by all joint inventors except Kopcinzki on behalf of themselves and non-signing joint inventor Kopcinzki.

Petitioners assert, via the statement of counsel's assistant, Kris Redmen, that a copy of the declaration and power of attorney and an assignment was sent to the home address of the non-signing inventor. Ms. Redmen's declaration further states that the non-signing inventor's husband called Ms. Redman and said that Kopcinzski would not be signing the declaration. Ms. Redmen further states that she sent a new copy of the documents to the non-signing inventor, but that 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 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]

The showing of record is that only the declaration and an assignment was sent to the non-signing inventor. The complete application as filed must be sent.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventors for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

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[1] MPEP 409.03(d).

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.

In this regard, it is noted that the conversation with the non-signing inventor's husband cannot serve as proof of refusal to sign because the non-signing inventor's husband has not been shown to have power of attorney to act on behalf of the non-signing inventor.

The address in the declaration is being construed as the last known address for the non-signing inventor. Petitioners **must** inform the Office if this is an incorrect interpretation.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

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FEB 04 2009

OFFICE OF PETITIONS

In re Application of	:
Wilson, Higgs, Kopcinski,	: DECISION ACCORDING STATUS
Petracek, and Warrior	: UNDER 37 CFR 1.47(a)
Application Number: 12/214679	:
Filing Date: 06/20/2008	:
Attorney Docket Number:	:
VAL06131P01161US	:

This is in response to the renewed petition under 37 CFR 1.47(a) filed on December 16, 2008.

The petition is **GRANTED**.

Petitioners have shown, via the Statement of Facts Under 37 C.F.R. § 1.47 of registered patent practitioner Mark Polyakov, that a copy of the application as filed was sent to the last known address of the non-signing inventor, Mariola Kopcinski at her last known address by Federal Express, but that the non-signing inventor failed to sign and return the declaration naming her as a joint inventor along with Dale O. Wilson, Jr., Nicole Higgs, Peter D. Petracek, and Prem Warrior.

As such, the showing of record is that the non-signing inventor has constructively refused to join in the filing of the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address in France given in the petition, not the Declaration.

Notice of the filing of this application will also be published in the *Official Gazette*.

Receipt of the petition fee is acknowledged. The duplicate petition fee submitted with the present renewed petition is unnecessary and will be credited to counsel's deposit account.

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mariola Kopcinski
12 Rue Bellevue
68220 Leymen
FRANCE

COPY MAILED

FEB 04 2009

OFFICE OF PETITIONS

In re Application of
Wilson et al.
Application No. 12/214,679
Filed: June 20, 2008
For: USE OF BENZYLADENINE TO IMPROVE EMERGENCE OF SEEDS TREATED WITH ABSCISIC ACID

Dear Ms. Kopcinski:

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

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON ST
SUITE 3800
CHICAGO IL 60661

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

Mail Date: 04/21/2010

Applicant	: Josh Wurzel	: DECISION ON REQUEST FOR
Patent Number	: 7633015	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/214,682	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/19/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

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DEC 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Pulugurtha, et al.	:	
Application No. 12/214,696	:	DECISION
Filed/Deposited: 20 June, 2008	:	
Attorney Docket No. GTRC4227	:	

This is a decision on the petition filed on 5 November, 2009, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

In light of the extended period of delay in this matter, see the statement herein as to the context in which the Office construes the Statement of Unintentional Delay pursuant to 37 C.F.R. §1.137(b).

Moreover, it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue.

Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[1] *In the event that such an inquiry has not been made, Petitioner* ***must*** *make such an inquiry.*

If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, Petitioner ***must*** *notify the Office.*

[1] See 37 C.F.R. §10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Former Counsel failed to reply timely and properly to the Notice to File Missing Parts mailed on 11 August, 2008, with reply due absent an extension of time on or before 11 October, 2008.

The application went abandoned by operation of law after midnight 11 October, 2008.

The Office mailed the Notice of Abandonment on 16 April, 2009.

On 5 November, 2009, Petitioner filed, *inter alia*, with a revocation/power of attorney and supporting documentation, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a reply in the form of oath/declaration, surcharge, and made a statement of unintentional delay.

The record (including the petition filed on 5 November, 2009) does not necessitate a finding that the delay between midnight 11 October, 2008 (the date of abandonment), and 5 November, 2009 (the date of the filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioners/Counsel Ryan A. Schneider(Reg. No. 45,083) when accepting Petitioners' representation that the delay in filing the response was unintentional.[2]

[2] See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. ' 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. ' 1.137(b) to the Patent and Trademark Office).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation--since all owe to the Office the continuing duty to disclose.[3]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[4]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[5]))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

---

[3] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[4] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[5] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[6] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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LAW OFFICE OF
PETER V.D. WILDE
301 EAST LANDING
WILLIAMSBURG VA 23185

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OCT 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Ramachandran	:	
Application No. 12/214,735	:	DECISION
Filed/Deposited: 20 June, 2008	:	
Attorney Docket No. 35	:	

This is a decision on the petition filed on 4 September, 2009, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Corrected Application Papers mailed on 15 July, 2008, with reply due absent extension of time on or before 15 September, 2008.

Petitioner filed an amendment with a request and fee for extension of time on 6 October, 2008.

The Office mailed a subsequent Notice of Incomplete Reply mailed on 24 October, 2008, with reply due as previously set forth.

The application went abandoned by operation of law after midnight 15 October, 2008.

The Office mailed the Notice of Abandonment on 13 August, 2009.

On 4 September, 2009, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 and an averment that: a reply to the Notice of Incomplete Reply was filed with a request and fee for extension of time on 26 November, 2008, over a 25 November, 2008, certificate of mail—and while Petitioner does not provide a copy of those papers filed, the IFW record reflects receipt on 26 November, 2008, of precisely those papers. Thus, Petitioner's reply was timely.

The guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part:

***

> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered

> into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).
>
> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]
>
> ***

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3],[4]

---

[1] *See*: MPEP §711.03(c) (I)(B).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter.

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[5]

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how and when it is to be made and supported.

Petitioner appears to have made the showing required.

CONCLUSION

Accordingly, the petition as considered under 37 C.F.R. §1.181 is **granted** and the 13 August, 2009, Notice of Abandonment is **vacated**.

The instant application is released to the Office of Patent Application processing for further processing in due course.

Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[5] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[6] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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ELLIS N. SHAMBLIN
11513 BINGHAM STREET
CERRITOS CA 90703

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AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of	:	
ELLIS N. SHAMBLIN et al.	:	
Application No. 12/214,778	:	DECISION ON PETITION
Filed: June 23, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **3774**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 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 Ellis Shamblin 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 2837 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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William L. Chapin
Law Offices of William L. Chapin
16791 Sea Witch Lane
Huntington Beach CA 92649

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APR 2 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Ellis Neal Shamblin	:	
Application No. 12/214,778	:	DECISION ON PETITION
Filed: June 23, 2008	:	
	:	

This is a decision on the petition, filed January 4, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to timely respond to the Office action of June 1, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before September 2, 2009.

Petitioner states that a timely reply was faxed via certificate of facsimile on August 31, 2009, which included the following papers: an amendment. Petitioner has submitted a copy of the previously faxed correspondence, which bears a certificate of facsimile dated August 31 2009, however the papers submitted had the incorrect application number listed and was timely filed in the incorrect application number 11/214,778.

The file record of application number 12/214,778 does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition fails to satisfy the above requirements of 37 CFR 1.8(b). The petitioner failed to supply the the 1.8(b) statement for application number 12/214,778. The papers filed on August 31, 2009 were received, however they were received in application number 11/214,778 because that was the application number listed on the transmittal form for the amendment.

Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of June 1, 2009 cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay

was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JENKINS, WILSON, TAYLOR & HUNT, P. A.
SUITE 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM NC 27707

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of
Guillaume Francois Rouyer et al.
Application No. 12/214,800
Filed: June 20, 2008
Attorney Docket No. 1713/3

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.57(a), filed September 10, 2008 which is being treated under 37 CFR 1.53(e)(2).

The application was filed on June 20, 2008. However, on June 10, 2008 the Office of Data Management mailed a Notice of Incomplete Application stating that the application amongst other requirements, 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 French Patent Application Serial No. FR 0704449, filed June 21, 2007 which was incorporated by reference.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains ... a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under ... § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s). MPEP 201.17

Therefore, if an application, as originally filed on or after September 21, 2004, <u>does not</u> include an explicit incorporation by reference statement in the specification, and is entitled to a filing date despite the inadvertent omission of a portion of the prior filed application(s), an applicant may be permitted to add the omitted material by filing an amendment under 37 CFR 1.57(a) within the time period set by the Office. <u>See</u> 37 CFR 1.57(a)(1) and MPEP 201.06(c)(IV).

A review of the record indicates that the above-identified application as originally filed on June 20, 2008 did in fact include an explicit incorporation by reference statement in the specification.

The inclusion of an incorporation by reference of the prior filed application(s) will permit an applicant to amend the continuing application to include any subject matter in such prior application(s), without the need for a petition. See MPEP 201.06(c). A review of the application-as-filed reveals that the specification, filed concurrently with the instant application, contained such a statement.

Obviously, in view of the incorporation by reference, the drawing figures described in the specification are not new matter if it was a part of the disclosure of the prior filed international application.

Accordingly, the petition is **DISMISSED**.

The petition fee in the amount of $400.00 will be refunded to deposit account no. 50-0426.

This application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing with a filing date of June 20, 2008, using the application papers received in the Office on that date and with an indication in Office records that Figures 1-10 as described in the specification while not included with the application papers upon filing, were a part of the original disclosure.

Telephone inquiries concerning this matter should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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VAN MICHAELS C.
APT. 17
BULEVARD 'PATRIARCH EVTIMIY N36,-B , ENT. II
SOFIA 1000 BG BULGARIA

COPY MAILED

NOV 10 2008

In re Application of	:	
VAN MICHAELS, Christopher	:	
Application No. 12/214,840	:	DECISION ON PETITION
Filed: June 24, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 19, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Christopher Van Michaels attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing to await a reply to the Notice to File Corrected Application Papers (Notice) mailed July 23, 2008. This application will be accorded "special" status when pre-examination processing is done.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/214,840	06/24/2008	Christopher Van Michaels		3673

7590 06/17/2010

Van Michaels C .
Apt. 17
Bulevard 'Patriarch Evtimiy N36,-b , ent. II
Sofia, 1000
BULGARIA

EXAMINER
CUEVAS, PEDRO J

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
06/17/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Van Michaels C.
Apr. 17
Bulevard Patriarch Evtimiy N-36, b, ent. II
Sofia, 1000
BULGARIA

In re Application of: Christopher Van Michaels Serial No.: 12/214,840 Filed: June 24, 2008	: : : : :	*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 timely file a response to the communication mailed on April 29, 2009. A Notice of Abandonment was mailed on May 19, 2010.

A review of the written record indicates that file record indicates that the USPTO considered the reply filed January 23, 2010, a bona fide attempt to fully reply to the Office action of April 29, 2009 and issued a Notice of Non-Compliant Amendment on February 19, 2010. The Notice gave the applicant 30 days to supply the required correction. The 30-day period is extendable up to August 19, 2010. As such, the basis for holding the application abandoned is incorrect and the mailing of the Notice of Abandonment was premature.

For the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status. The application will be forwarded to the Examiner for further action upon receipt of Applicant's response to the Non-Compliant Amendment.

Inquiries related to this decision should be directed to T. C. Patel at (571) 272-2098.

John Cabeca, Director
Technology Center 2800
Circuits/Measuring and Testing

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Richard J. Lee

Application No. 12214849

Filed: June 23,2008

Attorney Docket No. 1801.164

: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 21-NOV-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 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

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P.O. Box 1450
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James W. Badie, Esq.
Suite 3300
521 Fifth Avenue
New York, NY 10175-3399

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Frank P. Marchese et al.	:	
Application No. 12/214,863	:	DECISION ON PETITION
Filed: June 24, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. JWB-2008-1-P	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 27, 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 photocopy of applicant's driver's license and a statement by an attorney on behalf of the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1617 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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PATENT OFFICE OF DR. CHUNG S. PARK
P. O. BOX 62312
SUNNYVALE CA 94088-2312

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FEB 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Hyeung-Yum Kim	:	
Application No. 12/214,896	:	ON PETITION
Filed: June 23, 2008	:	
Attorney Docket No. ASM08-04	:	

This is a decision on the petition under 37 CFR 1.53(e) filed November 6, 2008, contending the omitted drawings were in fact deposited in the USPTO with the non-provisional application papers.

The petition is **GRANTED**.

A Notice To File Missing Parts of Nonprovisional Application was mailed October 23, 2008 indicating that figures 8A and 8B as described in the specification were missing. The petition includes a drawing sheet with figures 8A and 8B. Petitioner indicates that figures 8A and 8B were included on sheet 13 of the drawings of the application as filed. Petitioner contends that all 22 sheets of drawings were filed on June 23, 2008 as acknowledged in the new application post card receipt, a copy of which is included with the petition.

MPEP 503 states;

> The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as the *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the dated stamped thereon by the USPTO.

The petition is convincing of the fact that the figures were present in the application at the time of filing. The replacement drawing sheet provides the missing figures.

The matter is being referred to The Office of Patent Application Processing for further processing as a non-provisional application with a filing date of June 23, 2008.

David Bucci
Petitions Examiner
Office of Petitions

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P. O. BOX 62312
SUNNYVALE CA 94088-2312

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APR 09 2010

OFFICE OF PETITIONS

In re Application of
Hyeung-Yun Kim
Application No. 12/214,896
Filed: June 23, 2008
Attorney Docket No. ASM08-04

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Chung Park on behalf of all attorneys of record who are associated with customer No. 46513. All attorneys/agents associated with the Customer Number 46513 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: HYEUNG-YUN KIM
3351 ALMA STREET #305
PALO ALTO, CA 94305

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
12/214,896	06/23/2008	Hyeung-Yun Kim	ASM08-04

CONFIRMATION NO. 3511

POWER OF ATTORNEY NOTICE

46513
PATENT OFFICE OF DR. CHUNG S. PARK
P. O. BOX 62312
SUNNYVALE, CA 94088-2312

OC000000040981581

Date Mailed: 04/05/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/17/2010.

- 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.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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ROY L. ANDERSON, ESQ.
WAGNER, ANDERSON & BRIGHT, LLP
3541 OCEAN VIEW BOULEVARD
GLENDALE CA 91208

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JUL 18 2008

In re Application of	:	
WONG, Jacob Y. et al.	:	
Application No. 12/214,904	:	DECISION ON PETITION
Filed: June 20, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **RLA 35.134**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 20, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Jacob Wong, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application for processing. This application will be accorded "special" status when pre-examination processing is done

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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P.O. Box 1450
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Roy L. Anderson, Esq.
WAGNER, ANDERSON & BRIGHT, LLP
3541 Ocean View Boulevard
Glendale CA 91208

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SEP 02 2008

In re Application of	:	
Jacob Y. Wong	:	
Application No. 12/214,905	:	DECISION ON PETITION
Filed: June 20, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. RLA35.117B	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 20, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WILLIAM B. ZENG
P.O. BOX 269035
INDIANAPOLIS, IN 46226-9035

COPY MAILED

JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of Zeng :
Application No. 12/214,909 : Decision on Petition
Filing Date: June 24, 2008 :
Attorney Docket No. BI80623U :

This is a decision on the petition under 37 CFR 1.181 filed March 23, 2009, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

Facts

The Office mailed a Notice to File Corrected Application Papers on July 16, 2008. The Notice set a period for reply of two months. The Notice required the submission of a substitute specification and replacement drawings.

On August 2, 2008, petitioner filed a preliminary amendment, substitute specification, and replacement drawings in response to the July 16, 2008 Notice.

A review of the copy of the August 2, 2008 Electronic Acknowledgment Receipt supplied with the instant petition indicates:

(1) The "Application Type" was entered as "Utility Under 35 USC 111(a) (Pre-Grant Publication under 37 CFR 1.211 to 1.221)" when the papers were transmitted to the Office; and

(2) The "PG Type" was entered as "Original-publication - Amended" when the papers were transmitted to the Office.

Pre-Grant Publication submissions do not become part of the Office's image file wrapper for an application. Therefore, when petitioner used an incorrect Application Type when filing the reply, the reply papers were entered into the Pre-Grant publication database instead of the Office's image file wrapper for the application.

Petitioner filed a new and different preliminary amendment on March 16, 2008.

Since a reply to the July 16, 2008 Notice to File Corrected Application Papers was not matched with the image file wrapper for the application, the March 16, 2008 amendment was treated by

the Office as the first amendment filed. As a result, on March 19, 2009, the Office mailed a Notice of Abandonment stating the application was abandoned because the March 16, 2008 amendment was not timely filed.

The instant petition was filed March 23, 2009. Petitioner contends a reply was timely filed on August 2, 2008, in response to the July 16, 2008 Notice. The petition is accompanied by a copy of an Electronic Acknowledgment Receipt dated August 2, 2008, and a copy of the papers originally filed on August 2, 2008.

A third preliminary amendment was filed May 8, 2009.

A fourth preliminary amendment was filed May 14, 2009.

A fifth preliminary amendment was filed May 20, 2009.

Discussion

Since petitioner has proven the drawings were timely filed, although in an incorrect database, the petition is granted.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Office of Patent Application Processing will be informed of the instant decision and will treat the following papers filed with the petition as filed on August 2, 2008:

(1) 3 pages of Application Data Sheet,
(2) 1 page of Privacy Act Notice, and
(3) A Preliminary Amendment consisting of:
  (A) 1 page of cover sheet,
  (B) 79 pages of substitute specification,
  (C) 1 page of abstract,
  (D) 12 pages of claims,
  (C) 7 sheets of replacement drawings, and
  (E) 98 pages of a marked-up specification.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/214,909	06/24/2008	William B. Zeng	BI80623U	3964

EXAMINER

7590 09/15/2009
WILLIAM B. ZENG
P.O. BOX 269035
INDIANAPOLIS, IN 46226-9035

ART UNIT	PAPER NUMBER
2857	

NOTIFICATION DATE	DELIVERY MODE
09/15/2009	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☑ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Kaletus Buchanan
Patent Publication Branch
Office of Data Management

FORM PET650D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/214,909	06/24/2008	William B. Zeng	BI80623U	3964

EXAMINER

7590 09/15/2009
WILLIAM B. ZENG
P.O. BOX 269035
INDIANAPOLIS, IN 46226-9035

ART UNIT	PAPER NUMBER
2857	

NOTIFICATION DATE	DELIVERY MODE
09/15/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

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Adjustment date: 09/14/2009  KKING1
06/25/2008 SSITHIB1 00000037 12214909
02 FC:2111                    -255.00 OP
04 FC:2202                    -325.00 OP

Adjustment date: 09/14/2009  KKING1
03/16/2009 INTEFSW  00009316 12214909
01 FC:2201                    -110.00 OP

Refund Ref:
09/14/2009          0030074314
----------------------------------------

Credit Card Refund Total:      $580.00

Master C: XXXXXXXXXXXX9784

Refund Ref:
09/14/2009          0030074315
----------------------------------------

Credit Card Refund Total:      $110.00

Master C: XXXXXXXXXXXX9784
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FORM PET651G (Rev. 08/07)

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OCT 2 6 2009

Harness, Dickey & Pierce, PLC
P.O. Box 828
Bloomfield Hills, MI 48303

In re application of Hiroshi Inou et al. Application No. 12/214,981 Filed: June 24, 2008 For: ACCELERATION CONTROL 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 October 19, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") for each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of the preliminary amendment filed October 19, 2009 with the petition, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 10/25/09

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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CHERNOFF, VILHAUER, MCCLUNG & STENZEL
1600 ODS TOWER
601 SW SECOND AVENUE
PORTLAND OR 97204-3157

COPY MAILED
SEP 25 2008

In re Application of	:	
DOSS, Lee E.	:	
Application No. 12/214,988	:	DECISION ON PETITION
Filed: June 23, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **DBH:9060.0001**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 25, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Lee E. Dosss attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

0 9 OCT 2008

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26853
COVINGTON & BURLING, LLP
ATTN: Patent Docketing
1201 Pennsylvania Ave., N.W.
Washington, DC 20004-2401

In re Application of MILOT *et al* U.S. Application No.: 12/214,995 Filing Date: June 19, 2008 Docket No.: 015332.1006-US02 For: LYSINE-BASED PRODRUGS OF ASPARTYLPROTEASE INHIBITORS AND PROCESSES FOR THEIR PREPARATION	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on June 19, 2008 is hereby **GRANTED** as follows:

International application PCT/CA2006/001963 became abandoned as to the United States of America for failure to pay the basic national fee by May 11, 2008. The filing of the above-captioned continuation application under 35 U.S.C. 111(a) on June 19, 2008 is accepted as an appropriate response under 37 CFR 1.137(b). The $1540.00 petition fee has been paid. Applicants' statement regarding the delay satisfies the requirement of 37 CFR 1.137(b)(3). Thus, all requirements of 37 CFR 1.137(b) are satisfied.

International application PCT/CA2006/001963 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuation application number 12/214,995.

This application is being forwarded to the Office of Initial Patent Examination for further processing under 35 U.S.C. 111(a) with a filing date of June 19, 2008.

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
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HERBERT G. FLAVELL
R R 2 BOX 2279
HALLSTEAD PA 18822-9618

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APR 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Herbert George Flavell	:	DECISION ON PETITION
Application No. 12/215,022	:	TO MAKE SPECIAL
Filed: August 5, 2008	:	37 CFR 1.102(C)
Attorney Docket No. 30773. 00	:	

This is a decision on the letters, filed June 24, 2008 and again on September 15, 2008, which are being treated as a petition under 37 CFR 1.102(c)(1) to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant certifying that he is 65 or older. Accordingly, the above-identified application has been accorded "special" status.

The address given on the September 15, 2008 petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone 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 2834 for action on the merits commensurate with this decision.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Herbert G. Flavell
2758 Booth Road
Hallstead, PA 18822

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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DARDI & HERBERT, PLLC
220 S. 6TH ST.
SUITE 2000, U.S. BANK PLAZA
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Thomas A. Krinke	: DECISION ON REQUEST FOR
Patent Number	: 7591096	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/215,025	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/24/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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ALIX YALE & RISTAS LLP
750 MAIN STREET
SUITE 1400
HARTFORD CT 06103

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AUG 11 2008

In re Application of	:	
FROMSON, Howard A.	:	
Application No. 12/215,124	:	DECISION ON PETITION
Filed: June 25, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **FRO/219/US**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 25, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Howard Fromson, 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.

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/215,124	06/25/2008	Howard A. Fromson	FRO/219/US	4498

2543 7590 03/12/2010
ALIX YALE & RISTAS LLP
750 MAIN STREET
SUITE 1400
HARTFORD, CT 06103

EXAMINER
ROBINSON, CHANCEITY N

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
03/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT and TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

Mailed: 3/12/10

CHK
Paper No.

In re Application of FROMSON
Serial No.: 12/215,124
Filed: June 25, 2008
For: Heated Water Spray Processor

DECISION ON PETITION
UNDER *37 CFR 1.48(a)*

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed February 22, 2010 to correct inventorship under 37 CFR 1.48(a) by adding the names of Paul A. Perron, William J. Ryan and William J. Rozell.

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; (4) providing the processing fee set forth in 1.17(i); and, (5) providing the written consent of the assignee.

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.

Cynthia H. Kelly
Supervisory Patent Examiner
Art Unit 1795
Technology Center 1700

Alexander E. Andrews
ALIX, YALE &RISTAS LLP
750 Main Street, Suite 1400
Hartford, CT 06103-2721

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

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OFFICE OF PETITIONS

Applicant: Daniel E. Suman, et al.
Appl. No.: 12/215,194
Filing Date: June 25, 2008
Title: STORAGE AREA NETWORK WITH TARGET SIDE RECOGNITION AND ROUTING TABLE UPLOAD
Attorney Docket No.: 3721.1003-001
Pub. No.: US 2009/0019157 A1
Pub. Date: January 15, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 27, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the name of the inventor Lazarus J. Vekiarides was misprinted as Lazarus J. Vekiaridos.

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 August 27, 2009, was not timely filed under 37 CFR 1.221(b).

Moreover, the error on the front page of the publication wherein the spelling of the inventor's name is incorrect may be Office error, but is not a material Office error under 37 CFR 1.221. The typographical error in the inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

Applicant states that a Request for Corrected Filing Receipt was filed in the Office on November 13, 2008 and that a Corrected Filing Receipt was mailed to Applicant on November 21, 2008. A Filing Receipt was mailed by the Office on October 3, 2008, which included the error in the inventor's name and indicated a projected publication date of January 15, 2009. Applicant's request for a Corrected Filing Receipt was received too late in the publication process to be included in the publication.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

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

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United States Patent and Trademark Office
P.O. Box 1450
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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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NOV 23 2009

OFFICE OF PETITIONS

Applicant: Koichi Akasaka, et al.
Appl. No.: 12/215,236
Filing Date: June 26, 2008
Title: Content Reporducing Device, Content Reproducing System, Automatic Content Receiving Method, And Automatic Content Transferring Method
Pub. No.: US 2009/0011709 A1
Pub. Date: January 8, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on March 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 in Claims 20 and 26.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in claim 20 wherein the first line of the preamble is listed in duplicate, and wherein the word "communication" was misprinted as "conmmnication" in Claims 20 and 26 may be Office errors but they are not material errors Office errors in accordance with 37 CFR 1.221 . The misprints do not alter the meaning of the text in such a manner to affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an application may seek to enforce upon issuance of a patent.

http://www.uspto.gov/patents/law/moreinfoamdtprac.jsp

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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ESPINOSA I TRUEBA, PL
3001 SW 3RD Avenue
Miami FL 33129

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JUL 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Juan Constantino Martinez	:	
Application No. 12/215,316	:	ON PETITION
Filed: June 26, 2008	:	
Attorney Docket No. Constantino-Martinez	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 19, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed July 21, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 22, 2008. The Notice of Abandonment was mailed March 27, 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, an oath and $65 late surcharge; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

The application file is being referred to the Office Patent Application Processing for further processing.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/215,336	06/26/2008	Shahin Abasov	33849-191	5189

30903 7590 06/08/2009
CRAIN, CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON, TX 77010

EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
06/08/2009	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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CRAIN, CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON, TX 77010

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JUN 11 2009

TECHNOLOGY CENTER 2100

In re Application of: ABASOV, et al.
Application No. 12/215,336
Filed: June 26, 2008
For: SYSTEMS AND METHODS FOR IMAGING OPERATIONS DATA IN A THREE-DIMENSIONAL IMAGE

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed June 26, 2008, requesting acceptance of color drawings.

The petition requests that the color drawings, identified to be figures 3-4 of the instant application, be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application ***publication*** *with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and 3 (three) sets of color drawings. The specification at page 3, para. [0014], contains substantially the entire notification described above. Note, in response to this decision, the notification should be amended to further include the highlighted term indicated above.

The petition is **GRANTED**.

Brian L. Johnson, (571) 272-3595
Quality Assurance Specialist, Technology Center 2100
Computer Architecture, Software and Information Security

Application Number Information

Application Number: **12/215336** Assignments
Filing or 371(c) Date: **06/26/2008** eDan
Effective Date: **06/26/2008**
Application Received: **06/27/2008**
Patent Number:
Issue Date: **00/00/0000**
Date of Abandonment: **00/00/0000**
Attorney Docket Number: **33849-191**
Status: **30 /DOCKETED NEW CASE - READY FOR EXAMINATION**
Confirmation Number: **5189**

Examiner Number: **78296 / VU, KIEU**
Group Art Unit: **2173** **IFW Madras**
Class/Subclass: **715/849.000**
Lost Case: **NO**
Interference Number:
Unmatched Petition: **NO**
L&R Code: Secrecy Code:**1**
Third Level Review: **NO** Secrecy Order: **NO**
Status Date: **02/23/2009**
Oral Hearing: **NO**

Title of Invention: **SYSTEMS AND METHODS FOR IMAGING OPERATIONS DATA IN A THREE-DIMENSIONAL IMAGE**

Bar Code	PALM Location	Location Date	Charge to Loc	Charge to Name	Employee Name	Location
12215336CA	28C1	02/12/2009	No Charge to Location	No Charge to Name	OUDOM,VIENXAY	RND/00/A 41

Appln Info Contents | Petition Info | Atty/Agent Info | Continuity/Reexam | Foreign Data | Invent

Search Another: Application # Search **or Patent#** Search
PCT / / Search **or PG PUBS #** Search
Attorney Docket # Search
Bar Code # Search

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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

MAR 10 2010

OFFICE OF PETITIONS

In re Application of Yannis PAPAKONSTANTINOU, et al Application No. 11/215,346 Filed: August 29, 2005 Attorney Docket No. 15670-095001/SD2004-244	: : : : :	DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, December 7, 2009, to correct the name of inventor "Vagelis Hristidis" to reflect the correct name as --Evangelos Christidis--.

The petition is **DISMISSED as moot**.

A review of the Office record indicates the inventor's name has been corrected previously from – "Vagelis Hristidis" to --Evangelos Christidis--.

In view of the above, the petition under § 1.182 is dismissed as moot.

A copy of the corrected filing receipt mailed previously on December 9, 2009, is attached.

Any questions concerning this matter may be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/215,346	08/29/2005	2161	990	15670-095001/SD2004-244	32	3

CONFIRMATION NO. 2843

CORRECTED FILING RECEIPT

20985
FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

OC000000039152922

Date Mailed: 12/09/2009

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)

Yannis Papakonstantinou, La Jolla, CA;
Andrey Balmin, San Jose, CA;
Evangelos Christidis, North Bay Village, FL;

Power of Attorney:

David Feigenbaum--30378
Scott Harris--32030
John Phillips--35322
John Hayden--37640
Carl Kukkonen III--42773
Bing Ai--43312
William Hunter--47671
Dwight Thompson--53688

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/605,217 08/27/2004

Foreign Applications

If Required, Foreign Filing License Granted: 09/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/215,346**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

SEARCHING DIGITAL INFORMATION AND DATABASES

Preliminary Class

707

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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DEC 01 2009

OFFICE OF PETITIONS

In re Application of :
Jeffrey Max Belicofski :
Application No. 12/215,369 :
Filed: June 27, 2008 :
For: NOVEL METHOD OF :
CONSTRUCTION USING A GEODESIC :
HONEYCOMB SKELETON :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 14, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed July 21, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (3).

The statement of unintentional delay is not acceptable because the petition is unsigned. Note 37 CFR 1.33(b).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 2 9 2009

OFFICE OF PETITIONS

In re Application of
Jeffrey Max Belicofski
Application No. 12/215,369
Filed: June 25, 2008
For: NOVEL METHOD OF CONSTRUCTION USING A GEODESIC HONEYCOMB SKELETON

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 8, 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 ; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Corrected Application Papers mailed July 21, 2008, is accepted as having been unintentionally delayed.

It is noted that the Office received the above petition on December 8, 2009. However, applicant provided a date of December 9, 2009, as the date of signing and transmitting the above petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3633 for appropriate action by the Examiner in the normal course of business on the reply received September 14, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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605 U.S. HIGHWAY 169
SUITE 300
PLYMOUTH MN 55441

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OCT 26 2009

OFFICE OF PETITIONS

In re Application of :

DAS, Gladwin S. :
Application No. 12/215,371 : DECISION ON PETITION
Filed: June 25, 2008 : TO WITHDRAW
Attorney Docket No. **1013-012** : 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 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Kevin Cyr on behalf of all attorneys of record who are associated with customer No. 44163. All attorneys/agents associated with the Customer Number 44163 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Gladwin Das at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Petitions Examiner
Office of Petitions

cc: **GLADWIN S. DAS**
1471 LAMETTI LANE
ARDEN HILLS MN 55112

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CATHERINE E. WOLF
401 NORTH LAKE STREET
NEENAH WI 54956

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OFFICE OF PETITIONS

In re Application of	:	
Cohen, et al.	:	
Application No. 12/215,444	:	DECISION
Filed/Deposited: 27 June, 2008	:	
Attorney Docket No. 64409103US01		

This is a decision on the petition filed on 30 July, 2008, requesting that the above-identified application be accorded a filing date of 27 June, 2008, rather than the presently accorded date of 28 June, 2008. The petition is properly treated as a petition under 37 C.F.R. §1.10(d).

NOTE:

It would be helpful if Petitioner would include at or near the signature block on petitions direct-dial and correspondence address information to aid the Office in contacting Petitioner should the need arise. .

Petitioner would find it beneficial in matters regarding U.S. Postal Service (USPS) Express Mail transmittals to use the Track & Confirm feature at the USPS website (http://www.usps.com/shipping/trackandconfirm.htm?from=home&page=0035trackandconfirm), and to printout, retain, and provide copies of this data upon submission of petitions such as this.

The petition is **GRANTED**.

The application transmittal bears the U.S. Postal Service (U.S.P.S.) Express Mail Label Receipt No. EB815805015US.

Petitioner requests the filing date on the basis that the application was purportedly deposited with U.S.P.S. Express Mail Service on 27 June, 2008, pursuant to 37 C.F.R. §1.10.

While the copy of the U.S.P.S. Express Mail Label Receipt No. EB815805015US bears a handwritten "date-in" of "6/28/08," it also includes a USPS receipt date stamp—twice—that appears to be of "JUN 27 2008." Petitioner is alleging that the date of mailing shown in the "date-in" is a USPS error and the correct date of mailing pursuant to 37 C.F.R. §1.10 is 27 June, 2008.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP §513. However, in view of the conflicting dates on the label, although Petitioner failed to do so and present the results to the Office with the instant petition, the Office of Petitions made a search of the USPS' Express Mail Track & Confirm database and received the following information from that source regarding the package bearing Express Mail Label Receipt No. No. EB815805015US: "Acceptance NEENAH, WI 54956 06/27/08 2:51 p.m." (Emphasis supplied.) (Copy enclosed.)

The petition is **granted**. The error was not that of the Office, therefore, the petition fee is not waived.

The instant file is released to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) to correct the filing date so as to accord to the instant application a filing date of 27 June, 2008, and to mail to Petitioner a corrected filing receipt reflecting a filing date of 27 June, 2008.

Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

12/215, eap

Gillon, John

From: U.S._Postal_Service_[U.S._Postal_Service@usps.com]
Sent: Tuesday, September 16, 2008 9:06 AM
To: Gillon, John
Subject: U.S. Postal Service Track & Confirm email Restoration - EB81 5805 015U S

This is a post-only message. Please do not respond.

John Gillon has requested that you receive this restoration information for Track & Confirm as listed below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: EB81 5805 015U S

Service Type: Express Mail - Post Office to Addressee

Shipment Activity	Location	Date & Time
Delivered	ALEXANDRIA VA 22313	06/30/08 5:59am
Arrival at Pick-Up-Point	ALEXANDRIA VA 22313	06/28/08 9:23am
Arrival at Unit	DULLES VA 20102	06/28/08 9:02am
Processed	OSHKOSH WI 54902	06/27/08 5:23pm
Processed	NEENAH WI 54956	06/27/08 3:46pm
Acceptance	NEENAH WI 54956	06/27/08 2:51pm

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

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NEENAH WI 54956

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AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of :
Cohen, et al. :
Application No. 12/215,445 : DECISION
Filed/Deposited: 27 June, 2008 :
Attorney Docket No. 64049477US01

This is a decision on the petition filed on 30 July, 2008, requesting that the above-identified application be accorded a filing date of 27 June, 2008, rather than the presently accorded date of 28 June, 2008. The petition is properly treated as a petition under 37 C.F.R. §1.10(c).

NOTE:

It would be helpful if Petitioner would include at or near the signature block on petitions direct-dial and correspondence address information to aid the Office in contacting Petitioner should the need arise. .

Petitioner would find it beneficial in matters regarding U.S. Postal Service (USPS) Express Mail transmittals to use the Track & Confirm feature at the USPS website (http://www.usps.com/shipping/trackandconfirm.htm?from=home&page=0035trackandconfirm).

The petition is **GRANTED**.

The application transmittal bears the U.S. Postal Service (U.S.P.S.) Express Mail Label Receipt No. EB8158101175US.

Petitioner requests the filing date on the basis that the application was purportedly deposited with U.S.P.S. Express Mail Service on 27 June, 2008, pursuant to 37 C.F.R. §1.10.

While the copy of the U.S.P.S. Express Mail Label Receipt No. EB8158101175US bears a handwritten "date-in" of "6/28/08," it also includes a USPS receipt date stamp—twice—that appears to be of "JUN 27 2008." Petitioner is alleging that the date of mailing shown in the "date-in" is a USPS error and the correct date of mailing pursuant to 37 C.F.R. §1.10 is 27 June, 2008.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP §513. However, in view of the conflicting dates on the label, although Petitioner failed to do so and present the results to the Office with the instant petition, the Office of Petitions made a search of the USPS' Express Mail Track & Confirm database and received the following information from that source regarding the package bearing Express Mail Label Receipt No. EB8158101175US: "Acceptance June 27, 2008, 2:50 p.m., NEENAH, WI" (Emphasis supplied.) (Copy enclosed.)

The petition is **granted**. The error was not that of the Office, therefore, the petition fee is not waived.

The instant file is released to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) to correct the filing date so as to accord to the instant application a filing date of 27 June, 2008, and to mail to Petitioner a corrected filing receipt reflecting a filing date of 27 June, 2008.

Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
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Search Results

Label/Receipt Number: **EB81 5810 117U S**
Detailed Results:

- **Delivered, June 30, 2008, 5:59 am, ALEXANDRIA, VA 22313**
- **Arrival at Pick-Up-Point, June 28, 2008, 9:23 am, ALEXANDRIA, VA 22313**
- **Arrival at Unit, June 28, 2008, 9:02 am, DULLES, VA 20102**
- **Processed, June 27, 2008, 5:23 pm, OSHKOSH, WI 54902**
- **Processed, June 27, 2008, 3:46 pm, NEENAH, WI 54956**
- **Acceptance, June 27, 2008, 2:50 pm, NEENAH, WI 54956**

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Search Results

Label/Receipt Number: **EB81 5810 117U S**
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- **Delivered, June 30, 2008, 5:59 am, ALEXANDRIA, VA 22313**
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- **Acceptance, June 27, 2008, 2:50 pm, NEENAH, WI 54956**

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of
Robert S. **BENNETT, et al.**
Application No. 12/215,462
Filed: June 27, 2008
Attorney Docket No. **500-7003**

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR § 1.78(a)(6), filed September 25, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for benefit of priority to the prior-filed provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT**.

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed provisional applications. While a reference to the prior-filed provisional applications was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the transmittal letter filed with the application.

Where a claim for priority under 37 CFR § 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR § 1.78(a)(6).[1] In the present case, the Office noted the claim for priority to the prior-filed provisional applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

[1] *Note* MPEP 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

In view of the above, the petition fee is unnecessary and will not be charged to petitioner's deposit account.

Any questions concerning this decision on petition may be directed to Monica A. Graves at (571) 272-7253. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3662 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 119(e) to the prior-filed applications.

Thurman K. Page
Petitions Examiner
Office of Petitions

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RIMAS LUKAS
VERTIFLEX, INC.
1351 CALLE AVANZADO
SAN CLEMENTE, CA 92673

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MAR 15 2010

In re Application of Moti Altarac et al. Application No. 12/215,497 Filed: June 27, 2008 Attorney Docket No. **VFX012002500**	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed January 7, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 68823 has been revoked by the applicants of the patent application on January 15, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

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JUN 03 2009

OFFICE OF PETITIONS

Christopher I. Halliday
900 Spring City Road
Phoenixville PA 19460

In re Application of
Christopher I. Halliday
Application No. 12/215,564
Filed: June 26, 2008
Attorney Docket No.

ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed April 23, 2009.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on September 22, 2008, after it was believed that a proper response was not received to the Notice to File Missing Parts of Non-Provisional Application mailed July 21, 2008. The Notice set a shortened period for reply of two months from its mailing date and required a properly executed oath or declaration, payment of a $65.00 surcharge, and replacement drawings to be filed. It is noted that a declaration under 37 CFR 1.63 was filed on July 2, 2008. On July 31, 2008, a Notice of Incomplete Reply was mailed requiring payment of the surcharge and replacement drawings. The period for reply remained as set forth in the Notice to File Missing Parts of Non-Provisional Application. A review of the application file history reveals that replacement drawings were filed on September 22, 2008, and the surcharge of $65.00 was paid on that date. Notwithstanding another Notice of Incomplete Reply was mailed on October 9, 2008, requiring replacement drawings. A Notice of Abandonment was mailed on March 31, 2009, indicating that a proper response to the Notice mailed July 21, 2008, was not received.

By the instant petition, petitioner maintains that a timely and complete reply to the Notice to File Corrected Application Papers was filed on September 22, 2008. A review of the application file reveals that replacement drawings were timely filed on September 22, 2008. Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the shortened period for reply and the Office noted no further deficiencies in the application in the Notice of Incomplete Reply mailed July 31, 2008, or October 9, 2008. The holding of abandonment is withdrawn, accordingly.

The application file is being directed to the Office of Patent Application Processing for further processing.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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GUTMAN LEVITAN
101 GROVE STREET, APT. 11
STANFORD, CT 06901

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OFFICE OF PETITIONS

In re Application of	:	
Gutman LEVITAN	:	
Application No. 12/215,591	:	DECISION ON PETITION
Filed: June 30, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 21, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's driver license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

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 2423 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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GAZDZINSKI & ASSOCIATES, P.C.
11440 WEST BERNARDO COURT
SUITE 375
SAN DIEGO CA 92127

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APR 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael Bell and	:	
Vitali Lovich	:	DECISION REFUSING STATUS
Application No. 12/215,592	:	UNDER 37 CFR 1.47(a)
Filed: June 26, 2006	:	
Docket No. APPLE.088A/P5853US1	:	

This is a decision on the "PETITION TO PROCEED WITH THE EXAMINATION WITHOUT NONSIGNING INVENTOR PURSUANT TO 37 C.F.R. §1.47(a)" filed January 26, 2009.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 26, 2006, without a fully executed oath or declaration. Accordingly, on July 22, 2008, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and payment of the surcharge for late filing under § 1.16(e). This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a).

In response, rule 47 applicants filed the instant petition, including an appropriate extension of time, petition fee, surcharge and a declaration executed by joint inventor Lovich on behalf of himself and on behalf of non-signing inventor Bell. On petition,

applicants assert that status under § 1.47(a) is proper because inventor Bell has failed to respond or execute the declaration with respect to the present application.

A grantable petition under 37 C.F.R. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirement (1).

Before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last know address, typically a residential address.

In this case petitioner alleges he received an e-mail on June 25, 2008 from Mr. Bell indicating that Mr. Bell had "completed his review of the above-reference patent application." However, petitioner does not provide a copy of the e-mail nor does he disclose the parts that comprise the contents of the application or the manner in which the application was presented to joint inventor Bell.

It is noted that Ms. Beach's declaration indicates that several reminder e-mail were sent to joint inventor Bell, but that the non-signing inventor did not thereafter sign the declaration. The evidence does not adequate prove that inventor Bell refuses to join in the application. Refusal by inventor Bell cannot be inferred as the evidence submitted indicates that the declaration was not delivered to him at his last known address, but rather sent via e-mail. The evidence does not show that inventor Bell received the e-mails. It cannot be inferred that he is refusing to sign by his conduct where it has not been shown that the inventor received and was able to read the papers sent by e-mail. His failure to respond may simply reflect that he did not receive the e-mails or that he was unable to open and read the e-mails.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) to his last known address and thereafter refused to execute the declaration. Petitioner may wish to provide the Office

copies of letters sent to the inventor indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made a copy of the written refusal should be included on renewed petition.

Moreover, to the extent that petitioner continues to communicate with the inventor via e-mail, any renewed petition must be accompanied by evidence which sufficiently establishes that the copy of the application papers forwarded to the inventor via e-mail was in a form that could be read and comprehended by the intended recipient. Typically a non-signing inventor would indicate receipt of the e-mail and referenced attachments via return e-mail in a 37 CFR 1.47(a) scenario.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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11440 WEST BERNARDO COURT
SUITE 375
SAN DIEGO, CA 92127

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SEP 23 2009

OFFICE OF PETITIONS

In re Application of Michael Bell and Vitali Lovich Application No. 12/215,592 Filed: June 26, 2008 Attorney Docket No. APPLE.088A/P5853US1	: : : : :	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision in response to the renewed petition under 37 CFR 1.47(a) filed July 14, 2009.

The petition is **GRANTED**.

Petitioner has shown that joint inventor Michael Bell 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.

The application is being forwarded to Technology Center 2617 for appropriate action, including notifying applicant of the new status of this application.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MR. MICHAEL BELL
10045 BYRNE AVENUE
CUPERTINO, CA 95014

MAILED

SEP 23 2009

OFFICE OF PETITIONS

In re Application of Michael Bell and Vitali Lovich Application No. 12/215,592 Filed: June 26, 2008 For: APPARATUS AND METHODS FOR ENFORCEMENT OF POLICIES UPON A WIRELESS DEVICE	:	LETTER

Dear Mr. Bell:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining 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) 272-3204. 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 (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: GAZDZINSKI & ASSOCIATES, P.C.
11440 WEST BERNARDO COURT
SUITE 375
SAN DIEGO, CA 92127

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THOMAS W. EPTING
SMITH MOORE LEATHERWOOD LLP
300 EAST MCBEE AVENUE, SUITE 500
PO BOX 87
GREENVILLE, SC 29601

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SEP 25 2008

In re Application of	:	
Charles A. UZES	:	
Application No. 12/215,647	:	DECISION ON PETITION
Filed: June 27, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 133221.6	:	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 statement made by registered attorney Thomas W. Epting, Esquire, 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 3662 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THOMAS W. EPTING
LEATHERWOOD WALKER TODD &
MANN, P.C.
300 EAST MCBEE AVENUE, SUITE 500
P.O. BOX 87
GREENVILLE, SC 29601

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JUL 23 2008

In re Application of	:	
Pau SILVESTRI	:	
Application No. 12/215,648	:	DECISION ON PETITION
Filed: August 30, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 872-0222US/04-742.00/US	:	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 an affidavit signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

This application is being referred back to the Office of Patent Application Processing.

This application will be accorded "special" status when pre-examination processing is done.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

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SEP 2 5 2008

OFFICE OF PETITIONS

In re Application of :
Azulay, et al. :
Application No. 12/215,664 :
Filed: June 26, 2008 :
Attorney Docket No. 209,780 :

DECISION GRANTING PETITION

This is a decision on the petition filed July 16, 2008, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of June 26, 2008, rather than the filing date of June 30, 2006.

Petitioner alleges that the application was deposited with the Express Mail Service on June 26, 2008. In support of the allegation, the petition is accompanied by a copy of the Express Mail receipt for package EB908952955US reflecting a date-in of June 26, 2008. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on June 26, 2008.

In view of the above, the petition is granted. The filing date for the above-cited application is June 26, 2008.

The application file is being returned to the Office of Patent Application Processing for further processing with a filing date of June 26, 2008. It is not necessary for a corrected filing receipt to be issued because the filing receipt mailed September 15,2 008, reflects that application filing date as June 26, 2008.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO CA 95014

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OFFICE OF PETITIONS

In re Application of	:	
Tareen et al.	:	
Application No. 12/215,684	:	ON PETITION
Filed: June 27, 2008	:	
Attorney Docket No. ALVOP002	:	

This is a decision on the petition filed November 26, 2008, requesting that the above-identified application be accorded a filing date of June 27, 2008, rather than the presently accorded date of June 28, 2008. The petition is properly treated as a petition under 37 CFR 1.10(d).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on June 27, 2008, pursuant to 37 CFR 1.10. While the copy of the Express Mail label No. EM156122674US bears a handwritten "date-in" of June 28, 2008, it also includes a USPS receipt date stamp of June 27, 2008. Petitioner is alleging that the date of mailing shown in the "date-in" is a U.S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is June 27, 2008. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal." The Express Mail label number also appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated June 27, 2008 on the transmittal. Additionally, petitioner has submitted copy of the Track & Confirm record showing that the package in question was accepted on June 27, 2008, at 3:59 p.m. in the Cupertino, CA USPS.

Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on June 27, 2008. Accordingly, the instant application is entitled to a filing date of June 27, 2008 and has been so accorded.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(d) does not require a petition fee and none has been collected.

This matter is being referred to the Office of Patent Application Processing (OPAP) for further **processing with a filing date of June 27, 2008, along with a corrected filing receipt.** Thereafter, the application will be referred to Technology Center 2100 for examination in due course.

Telephone inquiries concerning this matter may be directed the undersigned at (571) 272-3206. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JANET P. SCHAFER
SCHAFER LAW OFFICE, P.A.
727 TORCHWOOD CIRCLE
NEW BRIGHTON MN 55112-2538

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MAY 26 2009

OFFICE OF PETITIONS

In re Application of

ARGUEDAS, Andrew et al.
Application No. 12/215,784
Filed: June 30, 2008
Attorney Docket No. **08-4385**

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 20, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Wilbur Eidson, 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 3763 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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Carmen Patti Law Group, LLC
One N. LaSalle Street
44th Floor
Chicago IL 60602

In re Application of :
MAHAJAN et al. :
Application No. 12/215,810 : DECISION ON PETITION
Filed: 06/30/2008 :
Atty Docket No. LUC-685/Mahajan 74-42 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

On July 21, 2008, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set a two-month extendable period to reply. In the absence of a timely and proper reply to the Notice to File Missing Parts of Nonprovisional Application, the application became abandoned and a Notice of Abandonment was mailed on March 31, 2009.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made a proper statement of unintentional delay.

This matter is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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.
12/215,826	06/28/2008	Sastry K. Ganti	GANTI-FLOOD	6631

7590 08/14/2008

SASTRY K. GANTI
1074 CROFTON LANE
BUFFALO GROVE, IL 60089-4114

EXAMINER

ART UNIT	PAPER NUMBER
3672	

MAIL DATE	DELIVERY MODE
08/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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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

Sastry K. Ganti
1074 Crofton Lane
Buffalo Grove, IL 60089-4114

MAILED
FROM DIRECTORS OFFICE

AUG 13 2008

TECHNOLOGY CENTER 3600

In re application of Ganti, Sastry K. Application No. 12/215,826 Filed: June 28, 2008 For: PREVENTION OF FLOOD FROM A WATER CHANNEL	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the petition filed on June 28, 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.

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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 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

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under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition fails to comply with conditions I.2, II.2 - II.4, II.5, II.5.1 - II.5.3, II.6.1 and II.6.2 - II.6.6, above.

As to condition I.2, although there is a statement that the invention is directed to environmental quality, energy or counter terrorism, there is no accompanying written justification that the invention is directed to environmental quality, energy or countering terrorism.

As to condition II.5, no 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, has been provided.

As to conditions II.5.1 – II.5.3, there has been no Preexamination Search Report submitted. 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/.

As to condition II.6.1, although an information disclosure statement (IDS) has been submitted, no references has been cited on the IDS.

As to conditions II.6.2 – II.6.6, the required Accelerated Examination Support Document has not been submitted. 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/.

Furthermore, the petition to make special for Environment under 37 C.F.R. § 1.102(d) is not acceptable at least because the application was not filed electronically as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on June 28, 2008, the petition must be considered under the new guidelines and thus is properly **DENIED**.

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 **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

TL/tl: 08/12/08

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Fumikazu Kanetaka	: DECISION ON REQUEST FOR
Patent Number	: 7643222	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/215,934	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/30/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PVF -- SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

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MAR 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Chow, et al.	:	
Application No. 12/215,943	:	DECISION
Filed/Deposited: 30 June, 2008	:	
Attorney Docket No. SUN07-0096	:	

This is a decision on the petition filed on 29 August, 2008, and properly considered under 37 C.F.R. §1.53, to obtain a filing date of 30 June, 2008, for drawing FIGS 1A, 4B, 8, 10A-B described in the specification of the instant application.

The petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 30 June, 2008

On 19 August, 2008, the Office of Patent Application Processing (OPAP) mailed a Notice Of Missing Parts (oath/declaration, surcharge) and included therein a Notice of Omitted Items: to wit: "drawing FIGS 1A, 4B, 8, 10A-B described in the specification, and, thus, the application had been accorded a filing date but without drawing FIGS 1A, 4B, 8, 10A-B described in the specification.

OPAP indicated that Petitioner might:

- contend via petition that the page was submitted (and evidence same with a copy of a date-stamped receipt card (see: MPEP §503) and of the page(s) averred to have been deposited); or
- submit the page(s) and accept the later date of submission as the filing date; or
- accept the application as deposited.

OPAP set a two- (2-) month period for reply.

On 29 August, 2008, Petitioner filed, *inter alia*, a petition, including therewith, *inter alia*, what was averred to be a true copy of the date-stamped ("063008") receipt card and a copy of drawing FIGS 1A, 4B, 8, 10A-B described in the specification.

ANALYSIS

A search of the official file reveals that:

- on 30 June, 2008, Petitioner deposited the instant application;
- the Office record reflects that drawing FIGS 1A, 4B, 8, 10A-B described in the specification were not present upon deposit—thus the Office contended that it did not receive five (5) of the drawings figures;
- the date-stamped ("063008") receipt card evidences–in pertinent part–the following:

***

Drawings: 18 pages [3 copies of certain of the identified color drawings submitted] in addition to 1 copy of the black and white drawings (Emphasis supplied)

***

It is noted on review of the record that the drawing sheets are numbered consecutively and referencing the sheet number in relationship to the total number of sheets submitted—e.g., "SHEET 2 OF 18," "SHEET 3 OF 18," et cetera. The Office acknowledges receipt of 18 sheets of black and white drawing figures (in addition to color copies of some of the drawing figures).

Because Petitioner's receipt card adequately itemized the contents of the application as to the elements deposited, it is concluded that the application including 38 pages of specification (description, claims, abstract) and 18 sheets of black and white drawing figures—including drawing FIGS 1A, 4B, 8, 10A-B described in the specification—was deposited with the Office on 30 June, 2008, and drawing FIGS 1A, 4B, 8, 10A-B described in the specification subsequently were misplaced in the Office.

Accordingly, the application, including 38 pages of specification (description, claims and abstract) and 18 sheets of black and white drawing figures—including drawing FIGS 1A, 4B, 8, 10A-B described in the specification —is entitled to a filing date of 30 June, 2008.

The Notice mailed on 19 August, 2008, was sent in error to the extent that it reflected the omission of drawing FIGS 1A, 4B, 8, 10A-B described in the specification is hereby **vacated** to

the extent that it stated that the application was accorded a filing date without drawing FIGS 1A, 4B, 8, 10A-B described in the specification.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The petition is **granted**; the petition fee waived and is being refunded *via* credit card—should Petitioner later find that a fee was not refunded, Petitioner should send a refund request to Office of Finance with a copy of this decision.

This application is released to OPAP for further processing with a filing date of 28 August, 2008, for the entire application including 38 pages of specification (description, claims and abstract) and 18 sheets of black and white drawings —including therein drawing FIGS 1A, 4B, 8, 10A-B described in the specification—using:

- **pages 1–38 of the specification (description, claims abstract) and 13sheets of black and white drawings deposited on 30 June, 2008; and**

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

- **the drawing FIGS 1A, 4B, 8, 10A-B described in the specification deposited on 29 August, 2008; and further,**

with direction to OPAP to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 30 June, 2008, and reflecting therein that 38 pages of specification (description claims abstract) and 18 sheets of black and white drawings were present on filing.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

/ John J. Gillon, Jr.
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[2] The regulations at 37 C.F.R. §1.2 provide:1

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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KING & PARTNERS, PLC
F/B/O/ GENTEX CORPORATION
170 COLLEGE AVENUE, SUITE 230
HOLLAND MI 49423

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JAN 19 2010

In re Application of	:	
Guomin Zhang	:	
Application No. 12/215,949	:	DECISION ON PETITION
Filed: July 1, 2008	:	
Attorney Docket No. GEN-071017	:	

This is a decision on the petition, filed November 20, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of April 3, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before July 5, 2009.

Petitioner states that a timely reply was mailed via certificate of mailing on October 5, 2009, which included the following papers: an amendment including a three (3) month extension of time. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated October 5, 2009, which would render the reply timely.

A review of the file record does in fact indicate that the response filed October 5, 2009, via certificate of mailing was received by the Office.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of April 3, 2009 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 1795 for appropriate action in the normal course of business on the reply received with petition.

Chris Bottorff
Petitions Examiner
Office of Petitions

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

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MAR 16 2009
OFFICE OF PETITIONS

In re Application of
Harkleroad, et al.
Application No. 12/216,047
Filed: 27 June, 2008
Attorney Docket No. SOA-0415

DECISION ON PETITION

This is a decision on the petition filed on 21 January, 2009, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

BACKGROUND

The record indicates:

The instant application was filed on 27 June, 2008, without, inter alia, a fully executed oath/declaration.

The Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required 21 July, 2008.

On 21 January, 2009, Petitioner Christopher M. Toubin (Reg. No. 40,290) filed a petition with, *inter alia*, an oath/declaration signed by Mr. Vaccaro (for himself and on behalf of) but not the

non-signing co-inventor Gary Harkleroad (Mr. Harkleroad), and a showing that the entire application (description, claims, abstract and drawings) was transmitted to and received by the non-signing inventor, without success in the effort to obtain his signature on the oath/declaration in compliance with 35 U.S.C. §115 and §116; and provided a statement of the last known address of the non-signing inventor (with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address of the non-signing inventor)—all with a showing that the non-signing inventor had failed, and therefore constructively refused, to sign/join in the application.

(Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.)

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §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 instant application is released to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) for further processing in due course.

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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GARY HARKLEROAD
103 HARKEL ROAD
INDIANA, PA 15701

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of
Harkleroad, et al.
Application No. 12/216,047
Filed: 27 June, 2008
Attorney Docket No. SOA-0415

COMMUNICATION

Dear Gary Harkleroad:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §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 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

/s/ JG,

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of PetitionS

Counsel of Record:
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 05/18/2010

Applicant	: Terry Lee Siviter	: DECISION ON REQUEST FOR
Patent Number	: 7625485	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/216,127	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/30/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WELSH & FLAXMAN LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA VA 22314

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MAY 18 2009

OFFICE OF PETITIONS

In re Application of

KWITEK, Benjamin J.
Application No. 12/216,174
Filed: June 30, 2008
Attorney Docket No. **KWI-012**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 14, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by John Welsh on behalf of all attorneys of record who are associated with customer No. 21884. All attorneys/agents associated with the Customer Number 21884 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Benjamin Kwitek 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: **BENJAMIN J. KWITEK**
1061 VALLEY VIEW DRIVE
CANON CITY CO 81212

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CST

October 19, 2009

In re application of Akira Kumagai et al Serial No. 12/216,289 Filed: July 2, 2008 For: FILM-FORMING METHOD FOR FORMING METAL OXIDE ON SUBSTRATE SURFACE	: : : : : : :	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) pilot program filed August 28, 2009.

The request and petition are **DISMISSED** as moot. Specifically, a non-final office action was mailed in this application on September 18, 2009.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail because:

(4) Examination of the U.S. application has begun. Specifically, note that a non-final office action was mailed on September 18, 2009.

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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Stanley P. Fisher
Reed Smith Hazel & Thomas LLP
Suite 1400
3110 Fairview Park Drive
Falls Church, VA 22042-4503

Mail Date: 04/21/2010

Applicant	: Hiromi Watanabe	: DECISION ON REQUEST FOR
Patent Number	: 7590295	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/216,361	: 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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Paper No.

SALLY CHANG
7F, NO. 3, ALLEY 32, SEC. 6 CHUNG-HSIAO EAST RD.
TAIPEI, TAIWAN, R.O.C. 115
TAIPEI 115 TAIWAN

MAILED

JAN 11 2010

OFFICE OF PETITIONS

In re Application of	:	
Hu	:	
Application No. 12/216,389	:	
Filed: July 3, 2008	:	DECISION ON PETITION
Attorney Docket No. A05-P01-10	:	UNDER 37 C.F.R. § 1.181(A)
Title: PAINT ROLLER WITH	:	
TUBULAR FRAME	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on November 13, 2009.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed February 19, 2009, which set a shortened statutory period for reply of three months. A response was received on October 27, 2009, after the expiration of the maximum extendable period for response. Accordingly, the above-identified application became abandoned on May 20, 2009. A notice of abandonment was mailed on October 15, 2009.

With the present petition, Petitioner has asserted that he combined this response with a new application, placed both in the same envelope, submitted the same to the Office on May 8, 2009, and the envelope was received in the Office on May 11, 2009. Petitioner has indicated that the new application was assigned a serial number of 12/453,399, and that both sets of papers were placed into the electronic file that is associated with application number 12/453,399.

The electronic record has been reviewed, and it is clear that application number 12/453,399 contains a specification that is directed towards a subject matter that differs from the present "paint roller with tubular frame," as well as an amendment and an abstract that are directed towards this subject matter.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The following six papers have been removed from the electronic file associated with application number 12/453,399, and placed into the electronic file associated with the present application:

- 05-11-2009 A.PE 1
- 05-11-2009 CLM 2
- 05-11-2009 REM 3
- 05-11-2009 SPEC 5
- 05-11-2009 SPEC 4
- 05-11-2009 ABST 1

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response to the non-final Office action that was received on May 11, 2009 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] All other inquiries concerning the status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

In re application of Seiji Kuwahara Application No. 12/216,426 Filed: July 3, 2008 For: GEAR SHIFT SYSTEM FOR VEHICLE, CONTROL DEVICE AND CONTROL METHOD FOR AUTOMATIC TRANSMISSION	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 4, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the request along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is 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.

/Teri P. Luu/

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 11/30/09

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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Hisashi Ukawa	: DECISION ON REQUEST FOR
Patent Number	: 7604838	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/216,451	: 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/216,456	07/03/2008	James Charles Wilson	HTA-6386	8010

7590 06/24/2010

MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER
HOFSASS, JEFFERY A

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
06/24/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
06/24/2010 [illegible]

Credit Card Refund Total: [illegible]

Adjustment date: 06/24/2010 [illegible]
[illegible]
02 FC:1111 -510.00 OP
04 [illegible] -[illegible]

FORM PET651G (Rev. 08/07)

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

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MAY 05 2009

OFFICE OF PETITIONS

In re Application of :
Young J. CHOI et al. :
Application No. 12/216,465 : DECISION ON PETITION
Effective Date: July 03, 2008 :
Attorney Docket No. **15484.034.00** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 06, 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 23, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on 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 a declaration and the required fees, (2) the petition fee of $1620 and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of July 23, 2008 is accepted as having been unintentionally delayed.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

This application is being referred to the Office Patent Application Processing.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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CHARLES A. DALEY III
P.O. BOX 184
KARON PO
TIKARON A. MUANG 83100 TH THAILAND

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DEC 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Charles A. Daley III	:	
Application No. 12/216,478	:	DECISION ON PETITION
Filed: July 7, 2008	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 26, 2009.

The request is **APPROVED**.

A review of the file record indicates that Ted Masters: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Ted Masters has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquires concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Ted Masters
5121 Spicewood Dr.
Charlotte, NC 28227

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TED MASTERS
TED MASTERS & ASSOCIATES, INC.
5121 SPICEWOOD DRIVE
CHARLOTTE, NC 28227-0313

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DEC 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Charles A. Daley III	:	
Application No. 12/216,479	:	DECISION ON PETITION
Filed: July 7, 2008	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 26, 2009.

The request is **APPROVED**.

The request was signed by Theodore Masters on behalf of the practitioners of record associated with Customer Number 40742.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Charles A. Daley III at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Charles A. Daley III
P.O. Box 184, Karon PO
T. Karon, A. Muang, Phuket 83100
Thailand

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/216,479	07/07/2008	Charles A. Daley III	

CONFIRMATION NO. 8595

POWER OF ATTORNEY NOTICE

40742
TED MASTERS
TED MASTERS & ASSOCIATES, INC.
5121 SPICEWOOD DRIVE
CHARLOTTE, NC 28227-0313

OC000000039268251

Date Mailed: 12/21/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/26/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/216,479	07/07/2008	Charles A. Daley III	

CONFIRMATION NO. 8595

POA ACCEPTANCE LETTER

OC000000039268348

Charles A. Daley III
P.O. Box 184
Karon PO
T. Karon, A. Muang
Phuket, 83100
THAILAND

Date Mailed: 12/21/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/26/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Intellectual Property Department
WASHINGTON DC 20006

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OFFICE OF PETITIONS

In re Application of:	:	
London et al.	:	
Application No. 12/216490	:	DECISION GRANTING
Filing or 371(c) Date: 07/07/2008	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
METHOD AND APPARATUS FOR:	:	
DIGITAL SYNTHESIS OF LONG MULTI-:		
CYCLE MICROWAVE PULSES	:	

This Decision is in response to the "Petition Under 37 CFR § 1.47(a) and MPEP § 409.03 for Filing When an Inventor Refuses to Sign," filed March 23, 2009, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Oved Zucker, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Patent Application Processing for continued processing in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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MR. OVED ZUCKER
6829 LITTLE RIVER TURNPIKE
ANNANDALE, VA 22003

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OFFICE OF PETITIONS

In re Application of: :
London et al. :
Application No. 12/216490 : LETTER
Filing or 371(c) Date: 07/07/2008 :
Title of Invention: :
METHOD AND APPARATUS FOR: :
DIGITAL SYNTHESIS OF LONG MULTI-:
CYCLE MICROWAVE PULSES :

Dear Mr. Zucker :

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

CC: BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Intellectual Property Department
WASHINGTON DC 20006

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NOV 0 9 2009

Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re application of Seiji Kuwahara et al. Application No. 12/216,494 Filed: July 7, 2008 For: DRIVING SOURCE CONTROLLER AND CONTROL 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 November 4, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") for each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:
(3) Claims of the U.S. Application that sufficiently correspond to the allowable claims of the JPO application. Specifically, while it is acceptable to change the JPO claims to eliminate reciting the limtations as "means", in order to have the claims correspond, applicant must either change the claims to avoid "means" or not, but not submit them in both formats. Applicant has submitted claims 9-10 & 12 that correspond to claims 1-3 of the JPO application, but has also attempted to eliminate the "means' language in claims 1-2 & 4. Applicant must choose one or the other. Also, the manner in which claims 1-2 & 4 have been recited are not acceptable since the "means for controlling" in the JPO application (the control unit in this US application) does not perform all of the functions which follow in claim 1. Also, claim 2 appears to bring in a new, unsupported structural element, not present in claim 1.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 11/8/09

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DEC 1 5 2009

Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re application of Seiji Kuwahara et al. Application No. 12/216,494 Filed: July 7, 2008 For: DRIVING SOURCE CONTROLLER AND CONTROL 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 renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 30, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application 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 renewed petition, which includes a preliminary amendment that results in the claims of this application corresponding to those of the JPO application, 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: 12/15/09

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OLEG V. TOZONI
11909 PARKLAWN DRIVE, APT 204
ROCKVILLE, MD 20852

COPY MAILED

JUL 25 2008

In re Application of	:	
TOZONI, Oleg V.	:	
Application No. 12/216,552	:	DECISION ON PETITION
Filed: July 8, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 8, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the statement and passport of inventor Oleg V. Tozoni, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Office of Patent Application Processing for further processing. This application will be accorded "Special" status when the pre-examination process is complete.

Monica A. Graves
Petitions Examiner
Office of Petitions

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OLEG V. TOZONI
#204
11909 PARKLAWN DR.
ROCKVILLE, MD 20852

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JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Oleg Valentinovich Tozoni :
Application No. 12/216,552 :
Filed: July 8, 2008 :
Attorney Docket No. :

ON PETITION

This is in response to the communication, filed May 8, 2009, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On August 6, 2008, the Office mailed a Notice to File Corrected Application Papers (Notice), which set a two month period to reply. The application became abandoned on October 7, 2008, for failure to submit a timely response to the Notice. On April 14, 2009, the Office mailed a Notice of Abandonment.

In the present petition (which is not signed), petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the August 6, 2008 Notice. Specifically, petitioner states that "I have never received the Notice mailed 08/06/08. I was out of town for the whole month of August 2008 during which time nobody lived at my address."

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the August 6, 2008 Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must

explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the Notice of August 6, 2008, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after August 6, 2008, to demonstrate nonreceipt of the Notice. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to the Notice, and where petitioner would have entered the receipt date of the Notice had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Notice, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the August 6, 2008 Notice was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after August 6, 2008; the period when he would have received the Notice.

In the present petition, petitioner did not submit any statements, documentary evidence, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the August 6, 2008 Notice. Therefore, the petition to withdraw the holding of abandonment is **dismissed**.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;
>
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors

Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement.

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AUG 28 2009

OFFICE OF PETITIONS

OLEG V. TOZONI
#204
11909 PARKLAWN DR.
ROCKVILLE, MD 20852

In re Application of	:	
Oleg Valentinovich Tozoni	:	
Application No. 12/216,552	:	ON PETITION
Filed: July 8, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 16, 2009, to revive the above-identified application.

The petition is **GRANTED.**

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

Best Available Copy

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/216,592	07/08/2008	Jung-Suk Song	302/117	8986

7590 06/30/2010

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
06/30/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
06/30/2010 [illegible]

Credit Card Refund Total: $[illegible]

AC Exp.: [illegible]

Adjustment date: 06/30/2010 NFARMER
07/[illegible]/2008 AWONDAF1 00000028 12216592
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/216,613	07/08/2008	Mamoru Tateishi	137282	9204

7590 10/22/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
CASTRO, ARNOLD

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
10/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/22/2009 NFARMER 0017180000
DRN:159451 Name/Number:12216613
FC: 9204 $510.00 CR

Adjustment date: 10/22/2009 NFARMER
07/09/2008 JADDO1 00000067 12216613
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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NAJIB BABUL
146 MEDINAH DRIVE
BLUE BELL PA 19422-3212

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NOV 2 5 2008

OFFICE OF PETITIONS

In re Application of
Najib Babul
Application No. 12/216,645
Filed: July 7, 2008
Attorney Docket No. SSCIP7.5.08

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed August 26, 2008, requesting that the above-identified application be accorded a filing date of July 7, 2008, rather than the presently accorded date of July 9, 2008.

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on pursuant to 37 CFR 1.10. In support, applicants have submitted a copy of USPS Express Mail receipt, USPTO Filing Receipt and a copy of Utility Patent Application Transmittal Form PTO/SB/05 bearing Express Mail receipt number EO949640879US.

To substantiate petitioner's assertion that the package in question was deposited with the USPS as Express Mail on July 7, 2008, an independent search was made of the USPS Express Mail Track and Confirm records, which resulted in a finding that the package in question was in fact accepted on July 7, 2008 at the USPS. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on July 7, 2008. Accordingly, the instant application is entitled to a filing date of July 7, 2008, and has been so accorded.

The petition is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3208.

This application is being forwarded to the Office of Patent Application Processing for processing with a filing date of July 7, 2008.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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NAJIB BADUL
146 MEDINAH DRIVE
BLUE BELL PA 19422-3212

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JAN 27 2010

In re Application of	:
Badul, Najib	:
Application No. 12/216,645	: DECISION ON PETITION
Filed: July 7, 2008	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. SSCIP7.5.08	: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed December 3, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120, 365(c) and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

A reference to add the above-noted, prior-filed applications on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter

barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

Further, this application is claiming the benefit of Provisional Application Nos. 60/929,611 and 60/732,121, filed July 5, 2007 and November 2, 2005, respectively, under 35 U.S.C. 119(e). However, this application was not filed within twelve months from the filing dates of the provisional applications, and there is no indication of an intermediate nonprovisional application that is directly claiming the benefit of the provisional application and filed within 12 months of the filing date of the provisional application.

Applicant is required to delete the reference to the prior-filed provisional application from the first sentence(s) of the specification or the application data sheet, depending on where the reference was originally submitted, unless applicant can establish that this application, or an intermediate nonprovisional application, was filed within 12 months of the filing date of the provisional application.

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a substitute amendment[1] deleting the incorporation by reference statement and the reference to the provisional applications, along with a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

[1] *Note* 37 CFR 1.121

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2ND FLOOR
PHILADELPHIA PA 19103

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APR 22 2010

OFFICE OF PETITIONS

In re Application of	:
Badul, Najib	:
Application No. 12/216,645	: DECISION ON PETITION
Filed: July 7, 2008	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. SSCIP7.5.08	: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed March 19, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

Petitioner has complied with the previous petition decision by removing the incorporated by reference statement. Petitioner has also pointed out that twelve month date for provisional Application No. 60/929,611, filed July 5, 2007, fell on a Saturday and is therefore entitled to the following business day, July 7, 2008, which is the filing date of the instant application.

Petitioner further pointed out that the intermediate application, PCT/US06/42962, is entitled to priority to provisional Application No. 60/732,121, filed November 2, 2005. However, the amendment to the specification filed with the previous petition and with the instant petition does not state that. The amendment to the specification states, "This application is a continuation-in-part of U.S. application serial no. 12/233,987 (pending) which is a national phase filing under 35 U.S.C. 371 of international application PCT/US06/42962 filed 2 November 2006; this application is also entitled to priority pursuant to 35 U.S.C. 119(e) to U.S. provisional application no. 60,929,611 (abandoned), which was filed on 5 July 2007, and to U.S. provisional application no. 60/732,121 (abandoned), which was filed on 2 November 2005." The wording of the amendment suggests that the *instant application* is claiming the benefit of provisional Application No. 60/732,121 directly, rather than through an *intermediate application.*

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a substitute amendment[1], including a properly worded reference connecting the PCT application to the provisional application, along with a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Window located at: U.S. Patent and Trademark Office Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh

Liana Walsh
Petitions Examiner
Office of Petitions

[1] *Note* 37 CFR 1.121

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PHILADELPHIA PA 1910

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JUN 2 2 2010

OFFICE OF PETITIONS

In re Application of	:
Badul, Najib	:
Application No. 12/216,645	: DECISION GRANTING PETITION
Filed: July 7, 2008	: UNDER 37 CFR 1.78(a)(3) AND
Attorney Docket No. T0514.0011/2US	: UNDER 37 CFR 1.78(a)(6)

This is a decision on the renewed petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 21, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant application was filed on July 7, 2008 and was pending at the time of filing of the instant petition. A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). *See* 35 U.S.C. §§ 120 and 365(c) and § 119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. §§ 120 and 365(c)

and § 119(e), the petition to accept an unintentionally delayed claim of benefit to the prior-filed applications is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center Art Unit 1627 for appropriate action on the amendment submitted May 21, 2010, including consideration by the examiner of the claim under 35 U.S.C. § §120 and 365(c) and 37 CFR 1.78(a)(2) for the benefit of the prior-filed applications, and for consideration of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional applications.

Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/216,645	07/07/2008	1627	1035	T0514.0011/2US	1	1

CONFIRMATION NO. 9619

CORRECTED FILING RECEIPT

OC000000042113603

54380
FLASTER/GREENBERG P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
2nd Floor
PHILADELPHIA, PA 19103

Date Mailed: 06/16/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Najib Badul, Blue Bell, PA;

Assignment For Published Patent Application

TheraQuest Biosciences, Inc., Blue Bell, PA

Power of Attorney: The patent practitioners associated with Customer Number 54380

Domestic Priority data as claimed by applicant

This application is a CIP of 12/223,987 08/13/2008
which is a 371 of PCT/US2006/042962 11/02/2006
which claims benefit of 60/732,121 11/02/2005
This application 12/216,645
claims benefit of 60/929,611 07/05/2007

Foreign Applications

If Required, Foreign Filing License Granted: 07/23/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/216,645**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Methods of preventing the serotonin syndrome and compositions for use thereof

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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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.
12/216,698	07/09/2008	Mitsuru Takeuchi	137579	9752

7590 11/03/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
11/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Rec'd on Ref: 11/04/2009 BPOWELL 50143/3500
[illegible] Name/Number: 12216698
[illegible] $510.00 CR

Adjustment date: 11/04/2009 BPOWELL
[illegible] 12216698
[illegible] -510.00 OP

FORM PET651G (Rev. 08/07)

Apply Re/: 11/04/2009 BPOWELL 0014375500
DN#:150461 Name/Number:12216698
FC: 9204 $510.00 CR

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

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FEB 18 2010

In re Application of :
Do-Young Kim, et al. :
Application No. 12/216,701 :
Filed: July 9, 2008 :
Atty Docket No. 2557SI-001227/US/DVA :

ON PETITION

This is a decision in response to the petition, filed December 4, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed March 25, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). On December 4, 2009, the present petition was filed. A Notice of Abandonment was subsequently mailed on December 14, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an amendment and an election of the invention to be examined; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2823 for appropriate action by the Examiner in the normal course of business on the reply received December 4, 2009.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

HOWREY LLP - East
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR, SUITE 200
FALLS CHURCH VA 22042-2924

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MAY 22 2009

OFFICE OF PETITIONS

In re Application of :
Jensen et al. :
Application No.12/216,714 :
Filed: July 9, 2008 :
Attorney Docket: 02887.003.NPUS01 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a complete response to a Notice to File Missing Parts of Nonprovisional Application, which was mailed on July 29, 2008. The Notice to File Missing Parts set an extendable two (2) month period for reply. A five month extension of time was obtained under the provisions of 37 CFR §1.136(a). In response to the March 2, 2009 reply, a Notice of Incomplete Reply was mailed on March 16, 2009. Accordingly, this application became abandoned on March 1, 2009. A Notice of Abandonment was mailed on April 3, 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 $1620, and (3) a proper statement of unintentional delay.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOWREY LLP – EAST
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR, SUITE 200
FALLS CHURCH, VA 22042-2924

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OCT 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Kurt Jensen et al	:	
Application No. 12/216,714	:	DECISION ON PETITION
Filed: July 9, 2008	:	TO WITHDRAW
Attorney Docket No. 02887.0003.NPUS01	:	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 28, 2009.

The request is **APPROVED**.

The request was signed by Michael J. Bell on behalf of the practitioners of record associated with Customer No. 22930.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Kurt Jensen at the first address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Kurt Jensen
1700 Jay Ell Drive, Suite 200
Richardson, TX 75801

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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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/216,714	07/09/2008	Kurt Jensen	02887.0003.NPUS01

CONFIRMATION NO. 9596

POWER OF ATTORNEY NOTICE

22930
HOWREY LLP - East
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR, SUITE 200
FALLS CHURCH, VA 22042-2924

OC000000038142334

Date Mailed: 10/13/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/28/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/216,714	07/09/2008	Kurt Jensen	02887.0003.NPUS01

CONFIRMATION NO. 9596

POA ACCEPTANCE LETTER

Kurt Jensen
1700 Jay Ell Drive, Suite 200
Richardson, TX 75801

OC000000038142336

Date Mailed: 10/13/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/28/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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EVAN LAW GROUP LLC
600 WEST JACKSON BLVD, SUITE 625
CHICAGO IL 60661

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Yi LI, et al	:	
Application No. 12/216,717	:	DECISION ON PETITION
Filed: July 10, 2008	:	TO WITHDRAW
Attorney Docket No. WKG04-053-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

In this regard, the request to withdraw from record cannot be approved because no change of address for future communications from the Office has been provided.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/dcg/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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CHICAGO IL 60661

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JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Yi LI, et al	:	
Application No. 12/216,718	:	DECISION ON PETITION
Filed: July 10, 2008	:	TO WITHDRAW
Attorney Docket No. WKG04-052-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

In this regard, the request to withdraw from record cannot be approved because no change of address for future communications from the Office has been provided.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/dcg/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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Paper No.

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W.
SUITE 501
WASHINGTON DC 20036

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JUN 2 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Aoyama et al.	:	DECISION ON PETITION
Application No. 12/216,760	:	
Filed: July 10, 2008	:	
Atty Docket No. SON-3087/DIV	:	

This is in response to the "PETITION FOR DATE OF DEPOSIT AND REQUEST FOR REFUND" filed October 17, 2008. Applicants request that the Office accord the above-identified application a filing date of July 10, 2008, with page 23 of the specification considered part of the original application disclosure.

Application papers in the above-identified application were deposited on July 10, 2008. However, on August 20, 2008, the Office of Patent Application Processing mailed applicants a NOTICE TO FILE CORRECTED APPLICATION PAPERS. Applicants were thereby notified that the application papers had been accorded a filing date; however, page 23 of the specification appeared to have been omitted from the application. (In addition, replacement drawings were required).

In response, applicants timely filed the instant petition (and petition fee). Applicants maintain that a 62-page specification (including page 23) was deposited with the USPTO on July 10, 2008. In support thereof, applicants submit a copy of their postcard receipt bearing the Office Date stamp of July 10, 2008. Applicants also supply a copy of page 23 of the specification. (Applicants also supply a copy of the 50 drawings. It is noted that they are not marked as replacement drawings. Applicants state that based on a cursory review of the drawings in the

image file wrappers the noted alterations, overwriting, interrelations, folds and copy marks are not readily apparent).

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioners' postcard reveals that: 1) it was date stamped as received in the USPTO on July 10, 2008, 2) it specifically identifies the items being filed, including "Specification excluding claims (62 pages)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, applicants have shown that the items denoted, including 62 pages of specification, were filed on July 10, 2008.

The pages of specification already considered received in the Office on July 10, 2008, were reviewed along with page 23 submitted on petition. These papers together constitute the items described on the receipt as "Specification excluding claims (62 pages)." It is concluded that petitioner has shown that page 23 of the specification was among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 18-0013.

The application is being forwarded to the Office of Patent Application Processing for:

- further processing with a filing date of July 10, 2008 using the application papers received in the Office and presently accorded that date; and page 23 of the specification re-supplied on petition filed October 17, 2008; and

- processing of 29 sheets of drawings filed October 17, 2008 in response to the requirement for replacement drawings.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/216,764	07/10/2008	Stephane Coudurier	137677	1286

7590 08/06/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KUHFUSS, ZACHARY L

ART UNIT	PAPER NUMBER
3617	

MAIL DATE	DELIVERY MODE
08/06/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/07/2009 NFARMER 0000168264

CHECK Refund Total: $510.00

Adjustment date: 08/07/2009 NFARMER
07/11/2008 SZEWDIE1 00000063 12216764
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/216,771	07/10/2008	Thierry Triolier	137680	1289

7590 07/22/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
MARCELO, EMMANUEL MONSAYAC

ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
07/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

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.
12/216,778	07/10/2008	Hiroshi Kawauchi	137087	1411

7590 11/19/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
NOLAN, PETER D

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
11/19/2009	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

Replm. Ref: 11/20/2009 NFARMER 0315043603
UNIT:153461 Name/Number:12216778
FC: 9234 $510.00 CR

Adjustment date: 11/20/2009 NFARMER
07/11/2008 SZEWDIE1 00000076 12216778
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/216,786	07/10/2008	Makoto Katsumata	81988(302971)	1281

7590 03/31/2010
Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
03/31/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

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P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

In re Application of	:	
Kazuma Hosoi	:	
Application No. 12/216,867	:	DECISION ON PETITION
Filed: July 11, 2008	:	
Attorney Docket No. 137703	:	

This is a decision on the petition, filed June 16, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely reply to a to the Notice to File Corrected Application Papers (Notice), mailed September 26, 2008, which set a two-month period for reply. A Notice of Abandonment was mailed on June 11, 2009.

Petitioner asserts that the Notice dated September 26, 2008 was not received.

A review of the application file reveals no irregularities in the mailing of the Notice of September 26, 2008. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The following showing is required:

> 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 two 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 two months from the mail

date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has adequately supported his claim of non-receipt with such evidence.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application is being referred to the Office of Patent Application Processing (OPAP) for **re-mailing** the Notice of September 26, 2008. The period for reply will run from the mailing date of the Notice.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MARIO A. COSTANTINO
OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

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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DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON DC 20005

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SEP 1 9 2008

OFFICE OF PETITIONS

In re Application of	:	
Meinhard Schwaiger	:	
Application No. 12/216887	:	DECISION ON PETITION
Filing or 371(c) Date: 07/11/2008	:	
Attorney Docket No. 66376-444-7	:	

This is a decision on the Petition Under 37 C.F.R. 1.53, filed August 5, 2008, requesting that the Office accord the present application a filing date of July 11, 2008.

The petition is granted.

On July 11, 2008, applicants deposited the above-identified application. On July 29, 2008, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date as it was filed without drawings.

Applicants file the present petition and assert that drawings were filed with the application papers deposited in this office on July 11, 2008, with the filing of International Patent Publication No. WO 2004/041512.

A review of the file indicates that the Office received a copy of International Patent Publication No. WO 2004/041512[1] on July 11, 2008, and that International Patent Publication No. WO 2004/041512 contains drawings. Therefore, the application may be accorded a filing date of July 11, 2008.

This matter is being referred to the Office of Patent Application Processing to accord the application a filing date of Julu 11, 2008, using the drawings from the copy of International Patent Publication No. WO 2004/041512, filed on that date, as part of the original disclosure.

[1] Although the drawings were located in the file, the drawings were filed as part of the International Patent Publication No. WO 2004/041512. Because the drawings were filed in this format, special processing was necessitated. Therefore, the petition fee has been charged to the Deposit Account.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Senior Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/216,899	07/11/2008	Heon-Yong Lim	P58721	1995

7590 07/06/2010
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
VU, HIEN D

ART UNIT	PAPER NUMBER
2839	

NOTIFICATION DATE	DELIVERY MODE
07/06/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 07/02/2010 NFARMER
07/14/2006 JADDO1 00000143 12216699
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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MANELLI DENISON & SELTER
2000 M STREET, NW, SUITE 700
WASHINGTON, DC 20036-3307

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AUG 27 2008

In re Application of	:	
Michael **NAKHAMKIN**	:	
Application No. 12/216,911	:	DECISION ON PETITION
Filed: July 11, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 62-305-AIEE-2-CONT	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 11, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 2834 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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C/O FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304-1013

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SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
LEIVERS, Martin Robert et al.	:	
Application No. 12/216,920	:	DECISION ON PETITION
Filed: July 11, 2008	:	TO WITHDRAW
Attorney Docket No. **355491-3901(G110)**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed August 04, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Antoinette F. Konski is not an attorney of record under customer number 77977 in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FROM DIRECTOR'S OFFICE

FEB 23 2009

TECHNOLOGY CENTER 3600

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Bacon & Thomas, PLLC
625 Slaters Lane
Fourth Floor
Alexandria, VA 22314-1176

In re application of John T. Sullivan et al. Application No. 12/216,933 Filed: July 14, 2008 For: PIT ROAD DISPLAY	: : : : :	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

This is a decision on the petition filed on February 11, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim

element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition fails to comply with condition II.1, above.

The petition was not filed with the application. The application was filed on July 14, 2008; whereas the petition was filed on February 11, 2009.

It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicants' petition was received on February 11, 2009, the petition must be considered under the new guidelines and thus is properly **DENIED**.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure. Given the above failure of filing a complete application the petition has not been further reviewed on the merits.

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. Further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

TL/tl: 02/19/2009

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625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

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JUN 10 2009

OFFICE OF PETITIONS

In re Application of
Chug An Kuo et al.
Application No. 12/216,935
Filed: July 14, 2008
Attorney Docket No. KUOC3044/EM

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed July 28, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Patent Application Processing.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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BIB DATA SHEET

CONFIRMATION NO. 2243

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/216,969	07/14/2008 RULE	359	2828	4358-0170PUS1

APPLICANTS

Paul E. Jackson, Longwood, FL;
Nilo R. Salazar, Residence Not Provided;
Frederick G. Baum JR., Orlando, FL;

**** CONTINUING DATA ***************************

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

Foreign Priority claimed	☐ Yes ☑ No		STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119(a-d) conditions met	☐ Yes ☑ No	☐ Met after Allowance	FL	9	19	4
Verified and Acknowledged	/DELMA ROSA FORDE/ Examiner's Signature	Initials				

ADDRESS

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747
UNITED STATES

TITLE

Inverted composite slab sandwich laser gain medium

FILING FEE RECEIVED		
1240	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY, 12TH FLOOR
NEW YORK, NY 10036

MAILED

MAY 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael COHEN, et al	:	
Application No. 12/216,971	:	DECISION ON PETITION
Filed: July 14, 2008	:	TO WITHDRAW
Attorney Docket No. P-9181-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 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 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 Mark S. Cohen on behalf of all the attorneys of record associated with Customer No. 49443.

All the attorneys of record associated with Customer No. 49443 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The address of record has been changed and the new address is the address indicated below until otherwise notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MICHAEL COHEN
1130 ROUTE 22 WEST
MOUNTAINSIDE, NJ 07092

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/216,971	07/14/2008	Michael Cohen	P-9181-US

CONFIRMATION NO. 2234

POWER OF ATTORNEY NOTICE

OC000000036164196

49443
Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York, NY 10036

Date Mailed: 05/27/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2009.

- 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.

/dcgoodwyn/

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.
12/216,978	07/14/2008	Laurent Bonifat	137761	2545

7590 08/06/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
MARCELO, EMMANUEL MONSAYAC

ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
08/06/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/07/2009 NFARMER 0000168268

CHECK Refund Total: $510.00

Adjustment date: 08/07/2009 NFARMER
07/15/2008 SZEWDIE1 00000006 12216978
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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JUN 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Sato et al.	:	
Application No. 12/217,034	:	DECISION GRANTING
Filed: June 30, 2008	:	PETITION
Attorney Docket No. 4041J-001480/US	:	

This is a decision on the petition, filed May 22, 2009, requesting that the above-identified application be accorded a filing date of July 1, 2008, rather than the presently accorded date of June 30, 2008. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on July 1, 2008. Although petitioner has neglected to submit a copy of the USPS Express Mail Label containing the Express Mail Label no. EM 184 988 155US, a review of the USPS Express Mail Track and Confirm Records shows that the package in question was accepted by the USPS on July 1, 2008. Further, the Express Mail label number has been found on the original application papers located in the official file.

The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on July 1, 2008.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for correction of the filing date to **July 1, 2008** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed the undersigned at (571) 272-3215. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Charlema Grant
Petitions Attorney
Office of Petitions

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JUN 16 2009

OFFICE OF PETITIONS

In re Application of
Fujii et al.
Application No. 12/217,036
Filed: June 30, 2008
Attorney Docket No. 4041J-001479/US

DECISION GRANTING PETITION

This is a decision on the petition, filed May 22, 2009, requesting that the above-identified application be accorded a filing date of July 1, 2008, rather than the presently accorded date of June 30, 2008. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on July 1, 2008. Although petitioner has neglected to submit a copy of the USPS Express Mail Label containing the Express Mail Label no. EM 184 988 155US, a review of the USPS Express Mail Track and Confirm Records shows that the package in question was accepted by the USPS on July 1, 2008. Further, the Express Mail label number has been found on the original application papers located in the official file.

The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on July 1, 2008.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for correction of the filing date to **July 1, 2008** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed the undersigned at (571) 272-3215. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Charlema Grant
Petitions Attorney
Office of Petitions

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KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET, SUITE 1600
PORTLAND OR 97204

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FEB 18 2009

OFFICE OF PETITIONS

In re Application of
Wu et al.
Application No. 12/217,037
Filed: June 30, 2008
Attorney Docket No. 3382-80113-01

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed July 25, 2008, requesting that the above-identified application be accorded a filing date of June 30, 2008.

Applicants request the filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on June 30, 2008, pursuant to 37 CFR 1.10. In support of this petition, applicants submitted the following evidence: (1) a copy of Express Mail Label No. EV857852254US showing a date-in of June 30, 2008; (2) an Express Mail Corporate Account Mailing Statement which identifies Express Mail label No. EV857852254US and a date of June 30, 2008, as the date the postage was charged; and (3) a copy of the USPS Track & Confirm Search Results for Express Mail Label No. EV857852254US that confirms the application papers were accepted in the USPS as June 30, 2008. The same Express Mail receipt number was placed on the original application transmittal letter of record in the official file.

Applicants presented convincing evidence that the application was deposited in Express Mail service on June 30, 2008. Accordingly, the Office corrected its records and accorded the application a filing date of June 30, 2008, prior to a decision being rendered on the petition. As the filing date of the application is presently June 30, 2008, no further review of the merits of the petition is required. For this reason, the present petition is dismissed as moot.

The application is being referred to the Office of Patent Application Processing for further processing of the application while retaining a filing date of June 30, 2008.

Inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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SEP 29 2009

OFFICE OF PETITIONS

King & Spalding, LLP
P.O. Box 889
Belmont, CA 94002-0889

In re Application of	:	
Hong M. Moulton et al.	:	
Application No. 12/217,040	:	DECISION ON PETITION
Filed: June 30, 2008	:	TO WITHDRAW
Attorney Docket No. 50450-8083.US00	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 25, 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 Peter J. Dehlinger on behalf of all attorneys/agents associated with customer number 79975. All attorneys/agents associated with customer number 79975 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. The address is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: AVI BioPharma, Inc.
4575 S.W. Research Way
Suite 200
Corvallis, OR 97333

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/217,040	06/30/2008	Hong M. Moulton	50450-8083.US00

CONFIRMATION NO. 7585

POWER OF ATTORNEY NOTICE

79975
King & Spalding LLP
P.O. Box 889
Belmont, CA 94002-0889

OC000000038022584

Date Mailed: 09/29/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/25/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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AUG 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Sahu, Saroj Kumar	:	DECISION ON PETITION
Application No. 12/217,059	:	TO WITHDRAW
Filed: July 1, 2008	:	FROM RECORD
Attorney Docket No. 10730.0002-00	:	

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 1, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40, concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

(1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;

(2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and

(3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. The Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application.

Accordingly, for the reasons listed above, the request cannot be granted. All future communications from the Office will continue to be directed to above-listed address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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NOV 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Sahu, Saroj Kumar	:	DECISION ON PETITION
Application No. 12/217,059	:	TO WITHDRAW
Filed: July 1, 2008	:	FROM RECORD
Attorney Docket No. 10730.0001-00	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 28, 2009.

The request is **NOT APPROVED**.

As stated in the previous decision mailed August 28, 2008, 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.

The Office will not change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address. Accordingly, as the Request to Withdraw specified a law firm as the new correspondence address of record, the request cannot be granted at this time.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

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JUL 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Sahu, Saroj Kumar	:	DECISION ON PETITION
Application No. 12/217,059	:	TO WITHDRAW
Filed: July 1, 2008	:	FROM RECORD
Attorney Docket No. 43610.16	:	

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 14, 2010.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 27683 was revoked by the assignee of the patent application on May 19, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/217,059	07/01/2008	Saroj Kumar Sahu	6426-00300	7495

35690 7590 07/13/2010
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER
MARTIN, ANGELA J

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
07/13/2010	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):

patent_docketing@intprop.com
ptomhkkg@gmail.com

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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

JUL 13 2010

In re Application of	:	
Sahu	:	DECISION ON PETITION
Application No. 12/217,059	:	TO MAKE SPECIAL UNDER
Filed: 7/1/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **6426-00300**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 7/2/2010, 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

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ERIK JACOBSEN
1283 PADDINGTON RAOD
MAHWAH, NJ 07430

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Erik M. JACOBSEN	:	
Application No. 12/217,103	:	DECISION ON PETITION
Filed: June 30, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 19, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 9, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 10, 2009.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $810. See 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration can be given until the required fee is received.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition.

However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **ERIK JOCABSEN**
210 MALLINSON STREET
ALLENDALE, NJ 07401

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ROY L. ANDERSON, ESQ.
WAGNER, ANDERSON & BRIGHT, LLP
3541 OCEAN VIEW BOULEVARD
GLENDALE CA 91208

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In re Application of	:	
Stephen P. Hines	:	
Application No. 12/217,151	:	ON PETITION
Filed: July 2, 2008	:	
Attorney Docket No. 01-3644-64	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 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 Declaration by the applicant that he is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2851 for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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JANET SCHOFIELD
1847 TERRENCE DRIVE
STAFFORD, TX 77477

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SEP 25 2008

In re Application of	:	
John Paul SCHOFIELD, et al	:	
Application No. 12/217,207	:	DECISION ON PETITION
Filed: July 2, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 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 copy of Applicant John P. Schofield driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 1792 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/217,266	07/01/2008	Joseph C. Trautman	ALD 049.11	7987

7590 07/16/2009

Intarcia Therapeutics, Inc.
ATTN: Barbara G. McClung
24650 Industrial Blvd
Hayward, CA 94545

EXAMINER
GRAY, PHILLIP A

ART UNIT	PAPER NUMBER
3767	

MAIL DATE	DELIVERY MODE
07/16/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment Date: 07/16/2009 BPOWELL
07/07/2008 CNGUYEN2 00000099 504212 12217266
02 FC:1111 510.00 CR

Adjustment date: 07/16/2009 BPOWELL
07/07/2008 CNGUYEN2 00000099 504212 12217266
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

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HEMINGWAY & HANSEN, LLP
1717 MAIN STREET
COMERICA BANK TOWER- SUITE 2500
DALLAS, TX 75201

In re Application of	:	
GOODZEIT, Carl L. et al.	:	
Application No. 12/217,304	:	DECISION ON PETITION
Filed: July 03, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **GOZT-P1003**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 03, 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 Carl Goodzeit attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application for processing. This application will be accorded "special" status when pre-examination processing is done

Tredelle D. Jackson
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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In re Application of
Robert Abrams

Application No. 12217406

Filed: July 3,2008

Attorney Docket No. 270908 Abrams Nebulizer C

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-JUN-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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INTEL CORPORATION
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

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JUL 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Por et al.	:	
Application No. 12/217,466	:	DECISION ON PETITION
Filed: July 3, 2008	:	
Attorney Docket No. P27144	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 16, 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 October 20, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 21, 2010. A Notice of Abandonment was mailed May 21, 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 $1,620.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2111 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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THEODORE W. PORADA
17000 WOODLEAF RD
STRONGSVILLE OH 44136-4416

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AUG 04 2008

In re Application of	:	
PORADA, Theodore W.	:	
Application No. 12/217,487	:	DECISION ON PETITION
Filed: July 07, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 07, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the inventor's birth certificate as evidence that Theodore W. Porada is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231
All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3781 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS NJ 07652

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OFFICE OF PETITIONS

In re Application of
Shin et al.
Application No. 12/217,550
Filed: July 7, 2008
Attorney Docket No. 5000-1-1160

ON PETITION

This is a decision in response to the petition filed under 37 CFR 1.47(a).

The petition is **DISMISSED AS MOOT**.

It is noted that the petition filed on July 7, 2008 was not appropriately signed as required by 37 CFR 1.4(d)(1). Nonetheless review of the record shows that a petition under 37 CFR 1.47 is not required. Petitioner has provided a declaration, which has been executed by all available inventors. Although inventor Hyun is deceased, petitioner has met the requirements of 37 CFR 1.42. by having inventor Hyun's purported legal representative execute the declaration. A petition under 37 CFR 1.47 (a) would have been required if the legal representative failed to execute the declaration on Yoo-Jeong Hyun's behalf.

However, it is further noted that the declaration fails to include the citizenship of the legal representative. Thus, a newly executed declaration will be required.

This application does not have any Rule 1.47 status and no such status should appear on the record for this file.

This application is being referred to the Office of Patent Application Processing for review of the declaration.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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MILLIPORE CORPORATION
290 CONCORD ROAD
BILLERICA, MA 01821

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JUN 15 2009

OFFICE OF PETITIONS

In re Application of :
Nanying Bian et al :
Application No. 12/217,558 : ON PETITION
Filed: July 7, 2008 :
Attorney Docket No. MCA-881 US :

This is a decision on the petition under 37 CFR 1.137(b), filed May 11, 2009 to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed July 24, 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 25, 2008.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1730 extension of time submitted with the petition on May 11, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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OPTICUS IP LAW, PLLC
7791 ALISTER MACKENZIE DRIVE
SARASOTA FL 34240

MAILED

AUG 17 2009

OFFICE OF PETITIONS

In re Application of	:	
James Brian Caldwell	:	
Application No. 12/217,579	:	ON PETITION
Filed: July 7, 2008	:	
Attorney Docket No. JBC01-08US1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 23, 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 August 22, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 23, 2008. The Notice of Abandonment was mailed April 28, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

The application file is being referred to the Office of Patent Application Processing for further processing.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

Mail Date: 04/21/2010

Applicant	: Richard S. Meltzer	: DECISION ON REQUEST FOR
Patent Number	: 7666378	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/217,587	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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John A. Mahon
310 Third Street
Cheraw SC 29520

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JUN 1 1 2009

OFFICE OF PETITIONS

In re Application of
John A. Mahon
Application No. 12/217,597
Filed: July 7, 2008
Attorney Docket No.

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 7, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1661 for action on the merits commensurate with this decision.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/217,600	11/14/2008	Sandra Marie		9074

7590 06/15/2010

Sandra Copling
1585 Briarfield Rd
Hampton, VA 23669

EXAMINER
ASSOUAD, PATRICK J

ART UNIT	PAPER NUMBER
2858	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Sandra Copling
1585 Briarfield Rd
Hampton VA 23669

In re Application of	:	
Sandra MARIE	:	DECISION ON PETITION
Application No. 12/217,600	:	TO MAKE SPECIAL UNDER
Filed: 14 November 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. N/A	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 07 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 (21 May 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 and amended by 75 FR 28554 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made

by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 3, 4, 6, and 8.

In regard to item 3, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice

In regard to item 4, as stated in the notice, applicant must provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

In regard to item 6, petitioner should note that the instant petition to make special was not filed electronically. Thus it is dismissed for not complying with the Notice.

In regard to item 8, petitioner should note that publication fee as set forth in 37 CFR 1.18(d) has not been received.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2858 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE WI 53226

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DEC 12 2008

In re Application of	:
Gary J. Pond et al.	:
Application No. 12/217,601	: DECISION ACCORDING STATUS
Filed: July 7, 2008	: UNDER 37 CFR 1.47(a)
Attorney Docket No. **4285.19859-PROV FOR CON**	:

This decision is in response to the petition filed November 13, 2008 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on July 7, 2008, with an un-executed oath or declaration. A Notice to File Missing Parts was mailed July 24, 2008 and in response, on October 14, 2007, a one month extension of time and an oath or declaration, signed only by joint inventor Pond but not by joint inventor Kandathil, was filed. A Notice of Incomplete Reply was mailed October 28, 2008. In response thereof, the instant petition under 37 CFR 1.47(a) and two month extension of time was filed. Petitioners seek status under 37 CFR 1.47 claiming that joint inventor Kanaithil refuses to join in the application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were presented to joint inventor Kandathil and that to date, he has not returned an executed copy of the oath or declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

WILLIAM H DIPPERT
ECKERT SEAMANS CHERIN & MELLOTT LLC
US STEEL TOWER
600 GRANT STREET 44TH FLOOR
PITTSBURGH PA 15219

In re Application of	:	
Waysbeyn, et al.	:	
Application No. 12/217,642	:	ON PETITION
Filed: July 7, 2008	:	
Attorney Docket No. H308-003-PAT	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed June 9, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a replacement drawings in compliance with 37 CFR 1.84 and 1.121(d) in response to the Notice to File Corrected Application Papers, mailed July 24, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings. Applicants filed drawings on September 24, 2008. However, in a Notice of Incomplete Reply mailed October 9, 2008, the Office informed applicants that the drawings were not acceptable. The period for reply continued to run from the July 24, 2008 Notice. No further drawings with an extension of time having been received, the application became abandoned on September 25, 2008. The Office mailed a Notice of Abandonment on April 6, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of replacement drawings.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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PITTSBURGH PA 15219

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OFFICE OF PETITIONS

In re Application of	:	
Waysbeyn, et al.	:	
Application No. 12/217,651	:	ON PETITION
Filed: July 7, 2008	:	
Attorney Docket No. H308-002-PAT	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed June 9, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a replacement drawings in compliance with 37 CFR 1.84 and 1.121(d) in response to the Notice to File Corrected Application Papers, mailed July 24, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings. Applicants filed drawings on September 24, 2008. However, in a Notice of Incomplete Reply mailed October 9, 2008, the Office informed applicants that the drawings were not acceptable. The period for reply continued to run from the July 24, 2008 Notice. No further drawings with an extension of time having been received, the application became abandoned on September 25, 2008. The Office mailed a Notice of Abandonment on April 6, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of replacement drawings.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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RIMAS LUKAS
VERTIFLEX, INC.
1351 CALLE AVANZADO
SAN CLEMENTE, CA 92673

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MAR 15 2010

In re Application of Moti Altarac et al. Application No. 12/217,662 Filed: July 8, 2008 Attorney Docket No. **VFX012000505**	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed January 7, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 68823 has been revoked by the applicants of the patent application on January 13, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : November 10, 2009

TO SPE OF : ART UNIT 1796 - SPE Mark Eashoo.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/217,699 Patent No.: 7,601,280 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Should IDS filed 09-15-2009 be entered?

Certificates of Correction Branch

(571)272-0483

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

The IDS filed 9/15/2009 has been considered and is entered into the file. /JT/ 12/1/2009

Randy Gulakowski

Digitally signed by Randy Gulakowski
DN: cn=Randy Gulakowski, c=US, ou=Art Unit 1796, email=randy.gulakowski@uspto.gov
Date: 2009.12.01 14:07:57 -05'00'

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/217,713	07/07/2008	Michael Williams Forster	205068.001	9555

7590 07/16/2010

Roland Tong
PO Box 802691
Valencia, CA 91380

EXAMINER
LAYNO, BENJAMIN

ART UNIT	PAPER NUMBER
3711	

MAIL DATE	DELIVERY MODE
07/16/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Roland Tong
PO Box 802691
Valencia CA 91380

In re Application of:	:	
FORSTER, MICHAEL WILLIAMS	:	
Serial No.: 12/217,713	:	
Filed: July 9, 2008	:	
Docket: 205068.001	:	DECISION ON PETITION
Title: BLACKJACK AND POKER GAME COMBINATION	:	

This is a decision on the petition filed on July 8, 2010 seeking to withdraw the finality of the Office action mailed April 20, 2010. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is **DISMISSED AS UNTIMELY**.

In the July 8, 2010 petition, the petitioner requests the finality of the Office action of April 20, 2010 be withdrawn because the applicant believes that the final rejection of was improper and premature. In particular, petitioner believes the examiner failed to fully consider the claims in light of the recent Supreme Court decision *Bilski v. Kappos*. A review of the record, however, shows that the instant petition was filed more than two months after the mailing date of the final Office action of April 20, 2010. Pursuant to 37 CFR 1.181(f)[1], the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the requested withdrawal of finality of the Office action of April 20, 2010 will not be granted.

Regarding the substantive argument, petitioner argues that the final rejection was premature because that the Office used the "machine-or-transformation" test as the sole test in determining patent eligibility of the pending claims of this application, contrary to the recent Juno 28, 2010 US Supreme Court decision in Bilski *et el. v. Kappos,* which considers the "machine-or-transformation" test only as a useful and important clue, an investigative tool, and not the sole

[1] 37 CFR 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

test for determining patent eligibility for processes. The final rejection was therefore made prematurely. In this case, the propriety of the recent Supreme Court decision as applied to this application is properly a matter for appeal, not petition. This issue will not be decided by petition. In order to resolve this issue, the applicant should file an appeal to the Board of Patent Appeals and Interferences.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3711 waiting for applicant's response to the outstanding Office action of April 20, 2010.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.

Donald T. Hajec, Director
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
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LEONARD STORCH
APT 11 F
175 WEST 72ND STREET
NEW YORK NY 10023-3207

COPY MAILED

AUG 2 7 2008

OFFICE OF PETITIONS

In re Application of

LEONARD STORCH
Application No. 12/217,724
Filed: July 07, 2008
Attorney Docket No.

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 07, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Leonard Storch, 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 29 2009

OFFICE OF PETITIONS

Goodwin Procter, LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

In re Application of	:	
Yung-Hsiang Kao et al.	:	
Application No. 12/217,745	:	DECISION ON PETITION
Filed: July 8, 2008	:	TO WITHDRAW
Attorney Docket No. GNE-0246	:	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 3, 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 Goodwin Procter, LLP has been revoked by the assignee of the patent application on September 23, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below listed until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Genentech, Inc.
1 DNA Way
South San Francisco, CA 94080

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/217,745	07/08/2008	Yung-Hsiang Kao	GNE-0246

CONFIRMATION NO. 8933

POWER OF ATTORNEY NOTICE

77845
Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

OC000000038014223

Date Mailed: 09/28/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/23/2009.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/217,858	Confirmation Number	1488	Filing Date	2008-07-09
Attorney Docket Number (optional)	128.016US	Art Unit	1797	Examiner	Warden, Jill Alice
First Named Inventor	Marcia A. Frieze				
Title of Invention	Reusable Porous Metal Filter				

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
Allan	S.	Frieze	

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	//Irving M Fishman//	Date (YYYY-MM-DD)	2010-04-22
Name	Irving M. Fishman	Registration Number	30258

PTO/SB/130 (07-09)
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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P.O. Box 1450
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In re Application of
Marcia A. Frieze

Application No. 12217858

Filed: July 9,2008

Attorney Docket No. 128.016US

: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 22-APR-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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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Masahiro Katakura	: DECISION ON REQUEST FOR
Patent Number	: 7652826	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/217,870	: 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 **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

BENJAMIN A. ADLER, PH.D., J.D.
8011 CANDLE LANE
HOUSTON, TX 77071

In re Application of	:	
Ira L. GOLDKNOPF, et al	:	
Application No. 12/217,885	:	DECISION ON PETITION
Filed: July 8, 2008	:	
Attorney Docket No. D6923	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 2, 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) were obtained. Accordingly, the application became abandoned on October 19, 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 replacement specification, claims, drawings, abstract and a computer readable Sequence Listing and statement and the required fee; (2) the petition fee of $810; and (3) the required statement of unintentional delay.

The Power of Attorney filed October 2, 2009, has been accepted and recorded.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquires should be directed to the Office of Data Management at 571-272-4000.

This application is being referred to the Office of Data Management for further processing in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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
12/217,885	07/08/2008	Ira L. Goldknopf	D6923

CONFIRMATION NO. 1228

BENJAMIN A. ADLER, PH.D., J.D.
8011 CANDLE LANE
HOUSTON, TX 77071

POA ACCEPTANCE LETTER

OC000000039153105

Date Mailed: 12/09/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/02/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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DUANE MORRIS LLP (TSMC)
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of
Tsao et al.
Application No. 12/217,949
Filed: July 10, 2008
Attorney Docket No. N1085-00553
TSMC2006-0144

DECISION ON PETITION

This is in response to the " Petition under 37 CFR 1.183 To Suspend Requirements Under 37 CFR 1.63 and Accept Previously Filed Inventor Declaration", filed January 29, 2010.

The petition is dismissed.

Any request for reconsideration should be filed within TWO MONTHS of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

Applicants request that the declaration from parent application No.11/468,113 be accepted together with the application data sheet.

The declaration provided fails to meet 37 CFR 1.63 (a)(2) with regard to inventor Liu. 37 CFR 1.63(a) (2) requires that each inventor be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial in the oath or declaration.

Pursuant to 37 CFR 1.63(d)(1)(iv):

> A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that... a copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.

37 CFR 1.63 (d)(1)(i) states:

> (1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that:
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;

The declaration from prior application no. 11/468,113 did not contain an oath or declaration as prescribed by 37 CFR 1.63 (a)(2). A petition under 37 CFR 1.183 seeking waiver of a completely signed supplemental declaration was granted in prior application no. 11/468,113. The granted petition under 37 CFR 1.183 allowed for the supplemental declaration to be accepted without the re-execution of the supplemental declaration by Liu. Petitioner cannot use the previous grant of the 1.183 petition in the prior application to circumvent the need to submit a declaration which meets the requirements of 37 CFR 1.63.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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THOMSON LICENSING LLC
P.O. BOX 5312
TWO INDEPENDENCE WAY
PRINCETON, NJ 08543-5312

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JUN 02 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert Lindemann	:	
Application No. 12/217,961	:	ON PETITION
Filed: July 10, 2008	:	
Attorney Docket No. PD070055	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 8, 2009 to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed July 28, 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 29, 2008.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 06/21/2010

Applicant	: Reinhard Riedl	: DECISION ON REQUEST FOR
Patent Number	: 7642679	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/217,997	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/09/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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ELIOT GERBER
127 DEVIN DR
MORAGA CA 94556

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AUG 1 8 2008

In re Application of	:	
GERBER, Eliot	:	
Application No. 12/218,154	:	DECISION ON PETITION
Filed: July 11, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 11, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Eliot Gerber attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application for processing. This application will be accorded "special" status when pre-examination processing is done

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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HUSCH BLACKWELL SANDERS WELSH & KATZ, LLP
120 S RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO, IL 60606

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Esterino CONCA, et al.	:	
Application No. 12/218,158	:	DECISION ON PETITION
Filed: July 11, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **3565-106225**	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed July 31, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. Accordingly, the application became abandoned on October 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification; (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing for completion of pre-examination processing.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

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KAGAN BINDER, PLLC
Suite 200, Maple Island Building
221 Main Street North
Stillwater, MN 55082

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OFFICE OF PETITIONS

In re Application of	:	
Mark C. Anderson	:	
Application No. 12/218,210	:	DECISION ON PETITION
Filed: July 11, 2008	:	TO WITHDRAW
Attorney Docket No. ATK0006/US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 20, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Mark C. Anderson on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Mark C. Anderson at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Mark C. Anderson**
5001 Dominick Drive
Minnesota, MN 55343

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/218,210	07/11/2008	Mark C. Anderson	ATK0006/US

CONFIRMATION NO. 2451

POWER OF ATTORNEY NOTICE

33072
KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER, MN 55082

OC000000037733494

Date Mailed: 09/10/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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OCT 23 2009

OFFICE OF PETITIONS

Sandra L. Kepler
P.O. Box 647
Fairfield, IA 52556

In re Application of	:	
Sandra L. Kepler	:	
Application No. 12/218,257	:	DECISION ON PETITION
Filed: July 14, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 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 of File Corrected Application Papers, mailed September 19, 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 November 20, 2008. A Notice of Abandonment was mailed on May 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the replacement drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received August 6, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Docket Administrator - Room 2F-192
Alcatel-Lucent USA Inc.
600-700 Mountain Avenue
Murray Hill NJ 07974

MAILED

JUL 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Angeliki Alexiou, et al.	:	
Application No. 12/218,276	:	ON PETITION
Filed: July 14, 2008	:	
Attorney Docket No. Alexiou 9-3-2	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 8, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 9, 2008. The Notice of Abandonment was mailed April 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and $130 surcharge; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

The application file is being referred to the Office of Patent Application Processing for further processing.

Chris Bottorff
Petitions Examiner
Office of Petitions

OIPE IAP40
JUN 0 5 2009
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Angeliki Alexiou
Case	:	9-3-2
Serial No.	:	12/218276
Filing Date	:	July 14, 2008
Title	:	Relays In Wireless Communication
Group Art Unit	:	2611

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

SIR:

PETITION UNDER 37 C.F.R. 1.137(b) FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED PATENT APPLICATION

The above identified application became abandoned on October 9, 2008. This petition is filed within one year of the date of abandonment.

The entire delay in filing the required document from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

This petition is accompanied with the required Declaration in response to the Notice to File Missing Parts of Nonprovisional Application mailed on August 8, 2008. A copy of the Notice to File Missing Parts and the Notice of Abandonment are also enclosed.

Please charge **Alcatel-Lucent USA Inc. Deposit Account No. 12-2325** in the amount of **$1620** to cover the fee for this Petition. In the event of non-payment or improper payment, the Assistant Commissioner is authorized to charge or to credit Deposit Account No. 12-2325 as required to correct the error.

Respectfully,
Angeliki Alexiou

By _____
Martin I. Finston, Attorney
Reg. No. 31,613
(908) 582-7886

Date: 3 June 2009

Docket Administrator (Room 2F-192)
Alcatel-Lucent USA Inc.
600-700 Mountain Avenue
Murray Hill, New Jersey 07974-0636

Adjustment Date: 07/09/2009 LDIEP1
06/08/2009 MBELETE1 00000016 122325 12218276
02 FC:1251 130.00 CR

07/09/2009 LDIEP1 00000001 122325 12218276
01 FC:1051 130.00 DA

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on June 3, 2009. Margaret Cardoso
Margaret Cardoso

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

LEO CHEN
NO.23 JISHI ROAD
JI DA DISTRICT
ZHUHAI 51901-5 CN CHINA

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Leo CHEN	:	
Application No. 12/218,277	:	DECISION ON PETITION
Filed: July 15, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed August 01, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 02, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of replacement drawings; (2) the petition fee of $810.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of August 01, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

The application is being referred to the Office of Patent Application Processing.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/218,297	07/14/2008	Mark Ellery Ogram	1414AW	3185

7590 09/25/2008

Mark E. Ogram (30343)
Ste. 110-186
6990 E. 22nd Street
Tucson, AZ 85710-5192

EXAMINER

ART UNIT	PAPER NUMBER
2836	

MAIL DATE	DELIVERY MODE
09/25/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mark E. Ogram (30343)
Ste. 110-186
6990 E. 22nd Street
Tucson, AZ 85710-5192

In re Application of:	:	
Mark Ellery Ogram	:	DECISION ON PETITION TO
Serial No.: 12/218,297	:	MAKE SPECIAL FOR NEW
Filed: July 14, 2008	:	APPLICATION UNDER 37
Attorney Docket No.: 1414AW	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
Title: ATMOSPHERIC ELECTRICAL GENERATOR	:	

This is a decision on the petition filed on July 14, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

Of all the conditions above, only conditions I. 1 and 4 and condition II. 1 are considered to have been met. The petition fails to comply conditions I. 2-3 and II. 2-6. For example, on July 30, 2008, the Office of Data Management mailed to applicant a "Notice to File Corrected Application Papers" requiring replacement drawings. The mailing of a "Notice to File Corrected Application Papers" is evidence that the application was not complete and in condition for examination at the time of its filing.

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 about the current accelerated examination procedure may be obtained from the USPTO website at http://www.uspto.gov/web/patents/accelerated/.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK E. OGRAM (30343)
STE. 110-186
6990 E. 22ND STREET
TUCSON, AZ 85710-5192

COPY MAILED
JAN 22 2010

In re Application of	:	
OGRAM, Mark Ellery	:	DECISION ON PETITION
Application No. 12/218,297	:	TO MAKE SPECIAL UNDER
Filed: July 14, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1414AW	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 16, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice

before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 1, 5, 7, and 9 above for the reasons as set forth in more detail below.

In regard to item 1, this application has been classified (USPC 307/145) in an area that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not be eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified else where. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

In regard to item 5, the instant invention relates to "ATMOSPHERIC ELECTRICAL GENERATOR". In the statement accompanying the instant petition, the petitioner states the basis for Applicant's claim to special status is that the invention "relates generally to the field of renewable energy and the reduction of greenhouse gases." Petitioner's argument is that the "mechanism" of the present invention can harness "naturally occurring electrical energy in the atmosphere" in a manner that produces "no carbon emissions, thereby providing a greener environment." However, neither applicant's disclosure nor the petition make it clear how the instant invention leads to (a) the development of renewable energy resources or (b) the reduction of greenhouse gases. The instant petition fails to explain how the instant invention contributes in a significant, substantial or noticeable manner to the development of renewable energy resources or greenhouse gas emission reduction. Accordingly, it is unclear as to how the claimed invention would materially contribute to category (A) or (B).

In regard to item 7, the present petition to make special was not filed electronically (i.e., it appears to have been filed by regular mail since it has a date-stamp from the Office of Initial Patent Examination (OIPE)). Thus it is dismissed for not complying with the Notice.

In regard to item 9, it is noted that the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d) as set forth at numeral 7 in the Requirements section of the Notice. Since there was no publication fee was included and there was no authorization given for charging this fee, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Gay Ann Spahn at 571-272-8011.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2836 for action in its regular turn.

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

MURRAY NADLER
2000 MORSE ST.
HOUSTON TX 77019

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SEP 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Roger Wylie	:	
Application No. 12/218,335	:	DECISION ON PETITION
Filed: July 14, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. N/A	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 14, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney of record declaring that the applicant is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2834 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/218,367	07/15/2008	Mark Webster	SIO-0166.73	3375

7590 03/18/2009

Wendy W. Koba, Esq.
PO Box 556
Springtown, PA 18081

EXAMINER
FONT, FRANK G

ART UNIT	PAPER NUMBER
2883	

MAIL DATE	DELIVERY MODE
03/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Akio Hori
Ichinodai 155-67
Tsukuba 305-0-073 JP JAPAN

In re Application of: HORI et al.
Application No. 12/218,367
Filed: July 18, 2008
Attorney Docket Number: Hori-Kojo
For: **COMPUTER PROGRAM USING PARTICLE 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 March 14, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:

A. Item 2 above. Specifically,

Applicant failed to submit a copy of the allowable/patentable claim(s) from the JPO application(s) in Japanese. An English translation of the allowable/patentable claim(s) is provided. However, Applicant failed to provide a statement that the English translation is accurate. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

B. Item 5 above. Specifically

Applicant failed to submit a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s), along with a translation, and a statement that the translation is accurate. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

The Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON OH 44718-3615

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JAN 21 2009

In re Application of	:	
TUEL, Gregory D. et al.	:	
Application No. 12/218,370	:	DECISION ON PETITION
Filed: July 15, 2008	:	TO WITHDRAW
Attorney Docket No. **2312011US2AP**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 25, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Sand & Sebolt has been revoked by the assignee of the patent application on December 04, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **PORTER WRIGHT MORRIS & ARTHUR, LLP**
INTELLECTUAL PROPERTY GROUP
41 SOUTH HIGH STREET
28TH FLOOR
COLUMBUS, OH 43215

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Xuezin Ding et al.	:	
Application No. 12/218,374	:	DECISION ON PETITION
Filed: July 11, 2008	:	TO WITHDRAW
Attorney Docket No. 9145.0051-00	:	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 17, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Kimberly A. Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Haynes and Boone, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

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

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

MAILED

OCT 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Xuezin Ding et al.	:	
Application No. 12/218,374	:	DECISION ON PETITION
Filed: July 11, 2008	:	TO WITHDRAW
Attorney Docket No. 9145.0051-00	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 28, 2009.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address does not include a proper power of attorney nor is the address that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Haynes and Boone, LLP, IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

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AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Liang-Zhang et al.	:	
Application No. 12/218,375	:	DECISION ON PETITION
Filed: July 11, 2008	:	TO WITHDRAW
Attorney Docket No. 9145.0050-00	:	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 17, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Kimberly A. Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Haynes and Boone, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

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OCT 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Liang-Zhang et al.	:	
Application No. 12/218,375	:	DECISION ON PETITION
Filed: July 11, 2008	:	TO WITHDRAW
Attorney Docket No. 70107.96 (IDT-2293)	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 6, 2009.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address does not include a proper power of attorney nor is the address that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Haynes and Boone, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75213

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In re Application of
Morton Greene

Application No. 12218392

Filed: July 15,2008

Attorney Docket No. 107456-63070

: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 15-SEP-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 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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In re Application of
Morton Greene

Application No. 12218395

Filed: July 15,2008

Attorney Docket No. 107456-63256

: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 15-SEP-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 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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AUG 24 2009

OFFICE OF PETITIONS

In re Application of	:	
HU, Pengfei et al.	:	
Application No. 12/218,397	:	DECISION ON PETITION
Filed: July 14, 2008	:	TO WITHDRAW
Attorney Docket No. **9145.0059-00**	:	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 17, 2009.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary

evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **HAYNES AND BOONE, LLP**
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS, TX 75219

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WASHINGTON DC 20001-4413

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NOV 04 2009

OFFICE OF PETITIONS

In re Application of	:	
HU, Pengfei et al.	:	
Application No. 12/218,397	:	DECISION ON PETITION
Filed: July 14, 2008	:	TO WITHDRAW
Attorney Docket No. **9145.0059-00**	:	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 06, 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 C. Larry O'Rourke on behalf of all attorneys of record who are associated with customer No. 22852. All attorneys/agents associated with the Customer Number 22852 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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/
Petitions Examiner
Office of Petitions

cc: **PENGFEI HU**
7TH FLOOR, ZONE A
900 YI SHAN RD.
SHANGHAI 200233
CHINA

cc: **HAYNES AND BOONE, LLP**
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

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4940 MUNSON STREET, NW
CANTON, OH 44718-3615

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MAY 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Gregory D. Tuel et al.	:	
Application No. 12/218,417	:	DECISION ON PETITION
Filed: July 15, 2008	:	TO WITHDRAW
Attorney Docket No. 2312012US2AP	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 25, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Sand & Sebolt has been revoked by the applicant of the patent application on December 4, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: GREGORY D. TUEL
3170 GEORGETOWN DAMACUS ROAD
BELOIT, OH 44609-9495

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In re Application of
Brian H. Nagamatsu

Application No. 12218447

Filed: July 15,2008

Attorney Docket No. NAGA.6084US3-NY

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 23-NOV-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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OFFICE OF PETITIONS

In re Application of
Shengyuan ZHANG, et al.
Application No. 12/218,457
Filed: July 11, 2008
Attorney Docket No. **9145.0064-00**

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 17, 2009.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or if no assignee of the entire interest has properly

been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71 (c) states:

> ***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73 (b) that is signed by a party who is authorized to act on behalf of the assignee.***

The Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **HAYNES AND BOONE, LLP**
2323 VICTORY AVENUE, SUITE 700
DALLAS, TX 75219-767

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NOV 23 2009

OFFICE OF PETITIONS

In re Application of :
Shengyuan ZHANG, et *al.* :
Application No. 12/218,457 : DECISION ON PETITION TO
Filed: July 11, 2008 : WITHDRAW FROM RECORD
Attorney Docket No. **9145.0064-00** :

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 6, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP has been revoked by the assignee of the patent application on November 17, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **HAYNES & BOONE, LLP – IP SECTION**
2323 VICTORY AVENUE, SUITE 700
DALLS, TX 75219

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SCARSDALE NY 10583

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JUN 03 2009

OFFICE OF PETITIONS

In re Application of
Kornelius Reutter et al.
Application No. 12/218,461
Filed: July 15, 2008
Attorney Docket No. SOLFZ.P41

DECISION ON PETITION

This is a decision on the "PETITION PURSUANT TO 35 U.S.C. 21 AND 37 C.F.R. §1.181, 1.182 AND 1.183" filed January 21, 2009 , requesting that the above-identified application be accorded a filing date of July 14, 2008, rather than the presently accorded date of July 15, 2008. The petition is being treated under 37 CFR 1.10(d).

The petition is **DISMISSED**.

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS.

Petitioner prays for relief under 37 CFR 1.183 which provides that "In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed." But even if that were the authority for the intended relief sought, the petition would fail as relief therein is reserved for extraordinary situations that don't traverse a statutory requirement.

The statute is clear, any paper or fee required to be filed in the U.S. Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Commissioner. See 35 USC 21. Aside from filing an application in person, there is no other statutory authority to grant a filing date other than that which is accorded when the United States Postal Service is involved. Accordingly, there is no statutory authority for granting a filing date for extraordinary situations.

While petitioner's request is a matter that is more appropriately a filing date issue the provisions for which can be found at 37 CFR 1.10, and while no extraordinary circumstances have been presented, no relief can be granted under 37 CFR 1.183.

Therefore, the showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail." Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on July 14, 2008, pursuant to the requirements of 37 CFR 1.10.

A grantable petition under 37 CFR 1.10(d) must include:

(1) The filing of a petition promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and

(3) A showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being

after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The petition lacks item (3).

Section 1.10(d) permits the Office to correct a USPS "date-in" error when the correspondence is deposited in an Express Mail drop box prior to the last scheduled pickup of the day; that is, the time clearly marked on the Express Mail drop box, including when the box will be cleared for the last time on the date of deposit. The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date in," or other official USPS notation, on the "Express Mail" mailing label. Note that the correspondence must be entrusted either to a postal service employee or an Express Mail drop box for the correspondence to have been deposited as Express Mail Post Office to Addressee service of the USPS within the meaning of 37 CFR 1.10(d). *See* Nitto Chemical Industry Co. Ltd. v. Comer, 39 USPQ 1778, 1781-82 (D.D.C. 1994). That is, consignment of Express Mail correspondence to a first class mail bin at the USPS does not properly entrust the correspondence to the custody of the USPS for purposes of 37 CFR 1.10.

In as much as petitioner has indicated that the US Postal Service Box was changed from a "Mail Drop Box" to a "Courtesy" box, it was incumbent upon and therefore was the responsibility of the depositor to know the status of the box the mail was placed in. The photographs of the Mail Box located at 14 Harwood Court, Scarsdale, New York do not show that there was a pick up schedule and thus without such, petitioner should have had no expectation as to when the pick up would occur. The depositor therefore assumed the risk of depositing their correspondence in a "box" that was not marked to have a scheduled pick up. As the postal service has not provided a statement to corroborate the evidence submitted, it also cannot be determined if and when the status of the box was changed.

Petitioner has not provided sufficient evidence to prove that the application was filed by U.S. Postal Service Express Mail Service on July 14, 2008.

This application will therefore be referred back to the Office of Patent Application Processing with the presently accorded filing date of July 15, 2008.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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SCARSDALE NY 10583

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OFFICE OF PETITIONS

In re Application of
Kornelius Reutter et al.
Application No. 12/218,461
Filed: July 15, 2008
Attorney Docket No. SOLFZ.P41

: DECISION ON PETITION

REQUEST FOR RECONSIDERATION ON PETITION PURSUANT TO 35 U.S.C. 21 AND 37 C.F.R. ¶1.181,1.182 AND 1.183 filed August 5, 2009, requesting that the above-identified application be accorded a filing date of July 14, 2008, rather than the presently accorded date of July 15, 2008.

The petition is **DISMISSED**.

Petitioner argues that as 35 U.S. C 21 authorizes the Director to prescribe the manner in which a filing date is determined, the supervisory authority of the Director is respectfully invoked under 37 C.F.R. §1.181. As such, this filing date issue is appropriately decided according to the provisions found at 37 CFR 1.10;

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS.

Therefore, the showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail." Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains

information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

In a petition filed January 21, 2009, petitioner argued that the application was deposited on July 14, 2008 in a U.S. Postal Box at 14 Harwood Court, Scarsdale, New York ("Mail Box ") serviced by the local Post Office branch, in Scarsdale, New York, that had a regular pickup late in the afternoon after 3:00 pm of each business day. (Greenspan Dec., pars. 11-16; Burke Dec., pars. 12-13). Petitioner further argued that at some point in time the Scarsdale Post Office decided to change the status of the Mail Box and remove this Mail Box from its standard or normal pickup schedule and no longer serviced this Mail Box like other Mail Boxes in the village. Instead, this Mail Box became a "courtesy box" that had service, but irregular pickups. However, the Mail Box was not so marked and no notice of any type was given of the change in status of this Mail Box. (Greenspan Dec., par. 22).

That petition was dismissed in a decision mailed June 3, 2009 because petitioner's request for a filing date based on a complete application having been filed by express mail was not corroborated by a showing as provided for in 37 CFR 1.10(d).

Petitioner prays for relief under 37 CFR 1.183 which provides that "In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed."

The statute is clear, any paper or fee required to be filed in the U.S. Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Commissioner. See 35 USC 21. Aside from filing an application in person, there is no other statutory authority to grant a filing date other than that which is accorded when the United States Postal Service is involved. Accordingly, there is no statutory authority for granting a filing date for extraordinary situations.

Section 1.10(d) permits the Office to correct a USPS "date-in" error when the correspondence is deposited in an Express Mail drop box prior to the last scheduled pickup of the day; that is, **the time clearly marked on the Express Mail drop box, including when the box will be cleared for the last time on the date of deposit.** The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date in," or other official USPS notation, on the "Express Mail" mailing label. Note that the correspondence must be entrusted either to a postal service employee or an Express Mail drop box for the correspondence to have been deposited as Express Mail Post Office to Addressee service of the USPS within the meaning of 37 CFR 1.10(d). *See* Nitto Chemical Industry Co. Ltd. v. Comer, 39 USPQ 1778, 1781-82 (D.D.C. 1994). That is, consignment of Express Mail correspondence to a first class mail bin at the USPS does not properly entrust the correspondence to the custody of the USPS for purposes of 37 CFR 1.10.

In as much as petitioner has indicated that the US Postal Service Box was changed from a "Mail Drop Box" to a "Courtesy" box, it was incumbent upon and therefore was the responsibility of the depositor to know the status of the box the mail was placed in. The photographs of the Mail Box located at 14 Harwood Court, Scarsdale, New York do not show that there was a pick up schedule and thus without such, petitioner should have had no expectation as to when the pick up would occur. The depositor therefore assumed the risk of depositing their correspondence in a "box" that was not marked to have a scheduled pick up. As the postal service has not provided a statement to corroborate the evidence submitted, it also cannot be determined if and when the status of the box was changed.

In the petition filed January 21, 2009 nor in the instant request for reconsideration, petitioner has not provided sufficient evidence to prove that the application was filed by U.S. Postal Service Express Mail Service on July 14, 2008.

Specifically with respect to the mail box at 14 Harwood Court, petitioner has still not provided evidence to support a conclusion that the box was labeled with a pick up time and that the application was deposited prior to the last scheduled pick up time on July 14, 2008.

The evidence provided includes statements made to the attorney of record from Postal Service personnel. A Postal Service Manager responsible for the Scarsdale Branch indicated in a statement to the petitioners that only "blue" pick up boxes have guaranteed pick-up times and that U.S. Mail Boxes within office buildings, such as the one at 14 Harwood Court have no guaranteed pick up times, no matter how large the office building is. Conversely, the Regional Consumer Affairs Office of the U.S. Postal Service in Westchester County, handling the Zip Code 10583 indicated that there is no distinction whatsoever between "blue" boxes or any other boxes that are receptacles of

mail. It was indicated that any box receptacle that bears the Eagle symbol or the legend "U.S. Postal Mail Box" is, in fact, an official U.S. Postal Mail Box and the property of the U.S. Postal Service. With the instant petition, petitioner agrees that the evidence provided is contradictory. Nevertheless, it is evidence petitioner chooses to rely upon to support their argument that the application was filed by Express Mail Service on July 14, 2008 and not July 15, 2008, the date the U.S. Postal Service has stated as the "date-in".

Finally, petitioner argues that it is reasonable to interpret a failure to pick up at the 14 Harwood Court location mail deposited around noon of a normal business day to be a "Postal Service interruption" for which applicant should not be penalized. "While the Decision conditions deposit "prior to the last scheduled pick up for that day" that requirement appears to be moot or meaningless in view of the aforementioned developments in the procedures of the U.S. Postal Service.

37 CFR 1.10(i) provides that any person attempting to file correspondence by "Express Mail" that was unable to be deposited with the USPS due to an interruption or emergency in "Express Mail" service which has been so designated by the Director may petition the Director to consider such correspondence as filed on a particular date in the Office. This procedure applies only when the Director designates an interruption or emergency in "Express Mail" service. In the notice designating the interruption or emergency, the Director provided guidance on the manner in which the instant petition under 37 CFR 1.10(i) should be filed. The notice was placed on the USPTO web site at www.uspto.gov and published in the Official Gazette.

To be grantable, such a petition must:

(1) be filed in a manner designated by the Director promptly after the person becomes aware of the designated interruption or emergency in "Express Mail" service;

(2) include the original correspondence or a copy of the original correspondence; and

(3) include a statement which establishes, to the satisfaction of the Director, that the correspondence would have been deposited with the USPS but for the designated interruption or emergency in "Express Mail" service, and that the correspondence or copy of the correspondence is the original correspondence or a true copy of the correspondence originally attempted to be deposited with the USPS on the requested filing date.

Petitioner has not shown to the satisfaction of the Director that a Postal Service interruption has been designated.

An unfortunate situation has occurred in the deposit of the application in a unlabeled and unmarked box which caused the application to be filed one day later than the applicants intended, however the deposit does not rise to the level of extraordinary circumstances for the purposes of waiving the requirements for according a filing date pursuant to 37 CFR 1.10.

The instant request for reconsideration does not contain any further basis upon which the waiver of the rules should be granted.

While no extraordinary circumstances have been presented, no relief can be granted under 37 CFR 1.183.

As the present application has been properly accorded a filing date of July 15, 2008 and as pre-examination processing has been completed, this matter will be referred to Technology Center 2834 for examination in due course.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON, OH 44718-3615

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OFFICE OF PETITIONS

In re Application of	:	
Gregory D. Tuel et al.	:	
Application No. 12/218,477	:	DECISION ON PETITION
Filed: July 15, 2008	:	TO WITHDRAW
Attorney Docket No. 2312010US2AP	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 25, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Sand & Sebolt has been revoked by the applicant of the patent application on December 4, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: GREGORY D. TUEL
3170 GEORGETOWN DAMACUS ROAD
BELOIT, OH 44609-9495

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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OFFICE OF PETITIONS

In re Application of
Shengyuan ZHANG, et al.
Application No. 12/218,486
Filed: July 11, 2008
Attorney Docket No. **9145.0057-00**

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 17, 2009.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or if no assignee of the entire interest has properly

been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71 (c) states:

> ***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73 (b) that is signed by a party who is authorized to act on behalf of the assignee.***

The Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **HAYNES AND BOONE, LLP**
2323 VICTORY AVENUE, SUITE 700
DALLAS, TX 75219-767

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OFFICE OF PETITIONS

FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP
901 NEW YORK AVENUE NW
WASHINGTON, DC 20001-4413

In re Application of	:	
Shengyuan ZHANG, et *al.*	:	
Application No. 12/218,486	:	DECISION ON PETITION TO
Filed: July 11, 2008	:	WITHDRAW FROM RECORD
Attorney Docket No. **9145.0057-00**	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 6, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP has been revoked by the assignee of the patent application on November 17, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **HAYNES & BOONE, LLP – IP SECTION**
2323 VICTORY AVENUE, SUITE 700
DALLS, TX 75219

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UNITED STATES DEPARTMENT OF COMMERCE
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Takahiro Yamaji	: DECISION ON REQUEST FOR
Patent Number	: 7597584	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/218,494	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/15/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

KRISTOFER E. ELBING
187 PELHAM ISLAND ROAD
WAYLAND MA 01778

In re Application of	:	
E. Neil LEWIS	:	
Application No. 12/218,504	:	DECISION ON PETITION
Filed: July 15, 2008	:	
Attorney Docket No. S0001-002005	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 01, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 02, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the oath/declaration and required fees; (2) the petition fee of $1,620.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of August 01, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

The application is being referred to the Office of Patent Application Processing.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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2591 DUNING DRIVE
PO BOX 1177
YORKTOWN HEIGHTS NY 10598

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OFFICE OF PETITIONS

In re Application of	:	
Burek, et al.	:	
Application No.: 12/218,546	:	DECISION
Filing Date: 16 July, 2008	:	
Attorney Docket No. Burek 23-1-6	:	

This is a decision on the petition filed on 3 October, 2008, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

BACKGROUND

The record indicates:

The instant application was filed on 16 July, 2008, without, inter alia, a fully executed oath/declaration.

On 1 August, 2008, the Office mailed a Notice of Missing Parts indicating, inter alia, that a fully executed oath/declaration (signed and dated) was required.

On 21 August, 2008, Petitioner filed a reply, however, on 10 September, 2008, the Office mailed a Notice of Incomplete reply.

On 3 October, 2008, Petitioner Leo Zucker (Reg. No 27,608) filed a petition with, *inter alia*, an oath/declaration signed by Mr. Burek and Mr. White (for themselves and on behalf of) but not the non-signing co-inventor Clem McConnell (Mr. McConnell), and a showing that the entire application—description, claims, abstract and drawings—was sent to and received at the diligently ascertained last known address of the non-signing co inventor Mr. McConnell, who expressly failed refused to sign/join in the filing of the above-identified application. And the address of the non-signing inventor has been provided as required.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted**.

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) for further processing in due course.

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[2] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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GASTONIA, NC 28054

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OFFICE OF PETITIONS

In re Application of
Burek, et al.
Application No.: 12/218,546
Filing Date: 16 July, 2008
Attorney Docket No. Burek 23-1-6

COMMUNICATION

Dear Clem McConnell:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §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 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) Moreover, the Office cannot neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of PetitionS

Counsel of Record:
LAW OFFICE OF LEO ZUCKER
2591 DUNING DRIVE
PO BOX 1177
YORKTOWN HEIGHTS NY 10598

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant	: Kazunori Takei	: DECISION ON REQUEST FOR
Patent Number	: 7612993	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/218,555	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/15/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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In re Application of
Morton Greene

Application No. 12218598

Filed: July 16,2008

Attorney Docket No. 107456-63261

: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 15-SEP-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 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.
12/218,637	07/18/2008	Akio Hori	Hori-Kojo	4545

85820 7590 06/09/2009
Akio Hori
Ichinodai 155-67
Tsukuba, 305-0073
JAPAN

EXAMINER
RODRIGUEZ, PAUL L

ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
06/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Akio Hori
Ichinodai 155-67
Tsukuba 305-0-073 JP JAPAN

In re Application of: HORI et al.
Application No. 12/218,637
Filed: July 18, 2008
Atty. Docket No.: Hori-Kojo
For: COMPUTER PROGRAM USING PARTICLE 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 March 29, 2009, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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CLIFFORD G. FRAYNE
SUITE 7A
136 DRUM POINT ROAD
BRICK NJ 08723

MAILED

JUL 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Joseph P. Buttacavoli	:	DECISION ON PETITION
Application Number: 12/218669	:	
Filing Date: 07/18/2008	:	
Attorney Docket Number: 899-001	:	
	:	

This is a decision on the petition filed on June 15, 2009, under 37 CFR 1.137(a), to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)," or "Petition Under 37 CFR 1.137(b)."

The application became abandoned on October 5, 2008, for failure to timely file a response to the Notice to File Corrected Application Papers mailed on August 4, 2008, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on April 15, 2009.

Petitioner asserts that the Notice to File Corrected Application Papers mailed on August 4, 2008 was never received. In support, petitioner has provided a statement by registered patent practitioner Clifford G. Frayne stating that he never received the Notice to File Corrected Application Papers.

At the outset, it is noted that Page 2 of the petition form PTO/SB/61 is missing. Nevertheless, since Page 3 containing the practitioner's signature has been provided, the petition will be

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treated on the merits. A complete petition should include all pages of the form.

A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The petition lacks items (1) and (3).

With regards to item (1), the petition lacks the required reply to the Notice to File Corrected Application Papers mailed on August 4, 2008. 37 CFR 1.137(a)(1) states that the filing of the reply required by the outstanding Office action is a prerequisite to a grantable petition thereunder. A copy of the Notice mailed on August 4, 2008 is enclosed for petitioner's reference in preparing the required reply.

With regards to item (3), the Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable".[1] Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

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[1] 35 U.S.C. § 133.

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> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[5] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

A review of the record indicates no irregularity in the mailing of the Notice to File Corrected Application Papers mailed on August 4, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice to File Corrected Application Papers mailed on August 4, 2008 was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice to File Corrected Application Papers mailed on August 4, 2008 was not in fact received.

MPEP 711.03(c) states, in pertinent part:

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[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

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In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail

> **date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**
>
> (emphasis added)

Petitioner has not provided a statement from the practitioner to the effect 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 to be provided. A copy of the practitioner's record(s) required to show non-receipt of the Notice to File Corrected Application Papers should include the master docket for the firm. In this case, since a two (2) month period for reply was set in the nonreceived Notice, a copy of the master docket report showing all replies docketed for a date two (2) months from the mail date of the nonreceived Office communication must be submitted as documentary proof of nonreceipt of the Office communication. 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.

Accordingly, the petition is dismissed, but such dismissal is without prejudice to reconsideration pending submission of the information requested above.

If petitioner is unable to provide the showing indicated above, petitioner may wish to consider filing a petition under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Notice to File Corrected Application Papers mailed August 4, 2008
PTO/SB/64

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/218,669	07/18/2008	Joseph P. Buttacavoli	899-001

CONFIRMATION NO. 4403

FORMALITIES LETTER

CLIFFORD G. FRAYNE
Suite 7A
136 Drum Point Road
Brick, NJ 08723

OC000000031303786

Date Mailed: 08/04/2008

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings submitted to the Office are not electronically reproducible because portions of figures 2 are missing and/or blurry.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

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Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/agizaw/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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CLIFFORD G. FRAYNE
SUITE 7A
136 DRUM POINT ROAD
BRICK NJ 08723

MAILED

OCT 21 2009

OFFICE OF PETITIONS

In re Application of :
Joseph P. Buttacavoli : DECISION ON PETITION
Application Number: 12/218669 :
Filing Date: 07/18/2008 :
Attorney Docket Number: 899-001 :
:

This is a decision on the petition filed on August 20, 2009, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on October 5, 2008, for failure to timely file a response to the Notice to File Corrected Application Papers mailed on August 4, 2008, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on April 15, 2009. On June 15, 2009, a

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

petition under 37 CFR 1.137(a) was filed. On July 16, 2009, the petition was dismissed.

Receipt of two (2) pages of corrected drawings is acknowledged.

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

Mail Date: 05/17/2010

Applicant	: Wilson Wong	: DECISION ON REQUEST FOR
Patent Number	: 7659745	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/218,688	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/16/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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TALENT IS THE KEY, INC.
LARRY SMITH
2205 TELHURST STREET SW
ATLANTA GA 30310

MAILED

MAY 11 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Smith
Application No. 12/218,705
Filed: August 30, 2007
Attorney Docket No. pro se
For: STRONG MEDIA-COMPUTER SATELLITE SMART TELEPHONE WITH INTEGRATED GLOBAL DIRECTORY

This is a decision on the petition under 37 CFR 1.137(b), filed April 17, 2009, to revive the above-identified application. In addition, this decision addresses the petition under 37 CFR 1.182, filed April 17, 2009, to expedite consideration of the April 17, 2009 petition under 37 CFR 1.137(b).

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely and completely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed August 6, 2008, which set a two month shortened statutory period for reply. The Notice required applicant to file various fees, an executed declaration, a substitute specification, replacement drawings, replacement claims, and a replacement abstract. On October 1, 2008 applicant filed all required fees, an executed declaration, a substitute specification, replacement drawings, replacement claims, and a replacement abstract. On October 21, 2008, the Office mailed a Notice of Incomplete Reply because the substitute specification filed on October 1, 2008 was not acceptable because it could not be electronically reproduced. The substitute specification had to be typed or mechanically printed in mixed case to allow for electronic reproduction. The October 21, 2008 Notice of Incomplete Reply clearly states that the period for reply remains as set by the August 6, 2008 Notice to File Missing Parts of Nonprovisional Application and that extensions of time were available under 37 CFR 1.136(a). On November 26, 2008, applicant filed a second substitute specification. However, no extensions of time were obtained pursuant to 37 CFR 1.136(a). Therefore, this application became abandoned on October 7, 2008. The filing of the present petition precedes the mailing of a Notice of Abandonment.

Applicant has submitted a proper reply to the August 6, 2008 Notice in the form of a substitute specification in mixed case (the other requirements being previously met in the October 1, 2008 correspondence), an acceptable statement of the unintentional nature of the delay in responding to the August 6, 2008 Notice, and the $810.00 petition fee.

It appears that applicant has filed a copy of a Rule 137(b) petition filed in Application No. 10/749,517 and annotated it to correspond to this application. It is noted this petition was signed on August 30, 2007. Since petitioner re-dated the certificate of mailing, the stale date on the petition itself is excused. In addition, the Office recognizes applicant's Petition Statement for Unintentional Delay, which clearly addresses the delay in Application No. 12/218,705. Applicant is informed that the statement of unintentional delay presented in the petition does not comply with the current rule. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

The petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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THOMAS A. O'ROURKE
BODNER & O'ROURKE, LLP
425 BROADHOLLOW ROAD
MELVILLE, NY 11747

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OCT 1 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Hector CASTILLO, et al	:	
Application No. 12/218,763	:	DECISION ON PETITION
Filed: July 17, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 18, 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 made by registered attorney Thomas A. O'Rourke, 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.

This application is being referred back to the Office of Data Management for processing. This application will be accorded "special" status when pre-examination processing is done.

/Diane Goodwyn/
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

John Davies
2174 Hunt Crescent
Burlington, L7M 2P9
CANADA

In re Application of	:	
John Davies	:	
Application No. 12/218,773	:	DECISION ON PETITION
Filed: July 18, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. JD2641	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 20, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KAPLAN GILMAN & PERGAMENT LLP
1480 ROUTE 9 NORTH
WOODBRIDGE, NJ 07095

COPY MAILED
MAR 01 2010

In re Application of	:	
WU, Siu Fun etal.	:	
Application No. 12/218,870	:	DECISION ON PETITION
Filed: July 18, 2008	:	TO WITHDRAW
Attorney Docket No. **FHKI 1022 DR 4875/P**	:	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 December 17, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Customer No. 83336 does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MICHAEL D. YABLONSKY, PH.D., ESQ.**
LAW OFFICE OF SERGEI OREL, LLC
660 ANDERSON AVE
CLIFFSIDE PARK NJ 07010

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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BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Robert Cockcroft	: DECISION ON REQUEST FOR
Patent Number	: 7629304	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/218,894	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/17/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF ROBERT C. KLINGER
2591 DALLAS PARKWAY
SUITE 300
FRISCO, TX 75034

MAILED

MAY 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Choong Sup Yoon	:	
Application No. 12/218,903	:	DECISION ON PETITION
Filed: July 18, 2008	:	TO WITHDRAW
Attorney Docket No. 133358.00005	:	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 8, 2010.

The request is **APPROVED**.

The request was signed by Robert C. Klinger on behalf of all the practitioners of record.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Choong Sup Yoon at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Choong Sup Yoon
1357-7, Dukyong Building
Scocho-dong, Seocho-ku
Seoul 137-070
Korea

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/218,903	07/18/2008	Choong Sup Yoon	133358.00005

CONFIRMATION NO. 5487

POWER OF ATTORNEY NOTICE

84042
Law Office of ROBERT C. KLINGER
2591 Dallas Parkway
Suite 300
FRISCO, TX 75034

OC000000041504690

Date Mailed: 05/07/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/08/2010.

- 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.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/218,903	07/18/2008	Choong Sup Yoon	133358.00005

CONFIRMATION NO. 5487

POA ACCEPTANCE LETTER

Choong Sup Yoon
1357-7 Dukyong Building
Scocho - dong, Seocho - Ku
Seoul, 137-070
KOREA, REPUBLIC OF

OC000000041504785

Date Mailed: 05/07/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/08/2010.

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.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

POWERS LAW FIRM
1484 POLLARD ROAD, SUTIE 162
LOS GATOS CA 95032

COPY MAILED

AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Stone et al.	:	
Application No. 12/218,922	:	DECISION ON PETITION
Filed: July 18, 2008	:	
Attorney Docket No. STLL-01000US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed October 22, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 23, 2008. A Notice of Abandonment was mailed June 26, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski

Joan Olszewski
Petition 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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JUN 07 2010

OFFICE OF PETITIONS

CALIF KIP TERVO
6387 CAMINITO LAZARO
SAN DIEGO, CA 92111

In re Application of
Young Kook Cho
Application No. 12/218,936
Filed: July 18, 2008
Attorney Docket No. CHOH-6

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 13, 2010 and resubmitted May 26, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Calif Tervo on behalf of all attorneys of record who are associated with this application. All attorneys/agents associated with this application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: YOUNG KOOK CHO
3803 SWALLOW VIEW NE
MARIETTA, GA 30066

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/218,936	07/18/2008	Young Kook Cho	CHOH-6

CONFIRMATION NO. 5731

POWER OF ATTORNEY NOTICE

31560
CALIF KIP TERVO
6387 CAMINITO LAZARO
SAN DIEGO, CA 92111

OC000000041955569

Date Mailed: 06/04/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/26/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ROBERT CHARLES HILL
235 MONTGOMERY STREET #821
SAN FRANCISCO, CA 94104

COPY MAILED
AUG 27 2008

In re Application of	:	
Robert C. **FRANKLIN**	:	
Application No. 12/218,941	:	DECISION ON PETITION
Filed: July 18, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 4607	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 18, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 3634 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROGER W. BROWN, PH.D
810 W. VILLA MARIA DR.
PHOENIX, AZ 85023

COPY MAILED

DEC 0 2 2008

OFFICE OF PETITIONS

In re Application of :
Roger Wayne BROWN :
Application No. 12/218,971 : DECISION ON PETITION
Filed: July 21, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 21, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes an unsigned statement by Applicant Roger Wayne Brown.

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

The application is being forwarded to the Office of Patent Application Processing for processing in its regular turn.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROGER W. BROWN, PH.D.
810 W. VILLA MARIA DR.
PHOENIX AZ 85023

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JAN 15 2009

In re Application of	:	
Roger Wayne BROWN	:	
Application No. 12/218,971	:	DECISION ON PETITION
Filed: July 21, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 9, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 1623 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Takashi Sato	: DECISION ON REQUEST FOR
Patent Number	: 7588373	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/219,085	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/16/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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Alexandria, Virginia 22313-1450
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Sheng-Feng Lu	: DECISION ON REQUEST FOR
Patent Number	: 7589033	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/219,087	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/16/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.
12/219,095	07/16/2008	Kosuke Haruki	4329.3559-01	3629

EXAMINER

7590 07/09/2010
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
07/09/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET651G (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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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Henri WAELBROECK, et al	:	
Application No. 12/219,160	:	DECISION ON PETITION
Filed: July 17, 2008	:	TO WITHDRAW
Attorney Docket No. 125091.0122	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 9, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Michael C. Greenbaum and the attorneys associated with Customer Number 27557, has been revoked by the assignee of the patent application on April 9, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Henri WAELBROECK, et al	:	
Application No. 12/219,161	:	DECISION ON PETITION
Filed: July 17, 2008	:	TO WITHDRAW
Attorney Docket No. 125091.0121	:	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 9, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Michael C. Greenbaum and the attorneys associated with Customer Number 27557, has been revoked by the assignee of the patent application on April 9, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAY 24 2010

OFFICE OF PETITIONS

BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

In re Application of	:	
Waelbroeck et al.	:	DECISION ON PETITION
Application No. 12/219,165	:	TO WITHDRAW
Filed: July 17, 2008	:	FROM RECORD
Attorney Docket: 28655.032	:	

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 9, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Blank Rome LLP was revoked as power of attorney by the assignee of the patent application on April 9, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: PATENT DOCKET CLERK
COWAN, LIEBOWITZ & LATMAN, P.C.
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WASHINGTON DC 20036

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OFFICE OF PETITIONS

In re Application of	:	
NOLAN, Michael H.	:	
Application No. 12/219,330	:	DECISION ON PETITION
Filed: July 21, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **YYD-0001/US**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 03, 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 Michael H. Nolan 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 3652 for action on the merits commensurate with this decision.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/219,440	07/22/2008	Seong-Joong Kim	P58799	6053

EXAMINER

7590 11/05/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
11/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tomi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 11/06/2009 NFARMER
07/23/2008 LTRUONG 00000057 12219440
02 FC:1111 -510.00 CP

FORM PET651G (Rev. 08/07)

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625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Application of	:	
Tai-Her Yang	:	DECISION ON PETITION
Application No. 12/219,475	:	PURSUANT TO
Filed: July 23, 2008	:	37 C.F.R. § 1.182
Attorney Docket No.:	:	
YANG3390/EM	:	
Title: THERMAL CONDUCTION	:	
PRINCIPLE AND DEVICE FOR	:	
INTERCROSSED STRUCTURE HAVING	:	
DIFFERENT THERMAL	:	
CHARACTERISTICS	:	

This is a decision on the petition filed August 13, 2008, requesting that the above-identified application, including Figures 7-9, be accorded a filing date of July 23, 2008 as part of the original disclosure.

The application was deposited on July 23, 2008. However, on August 7, 2008, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (notice), stating that the application had been

accorded a filing date, and advising applicants that Figures 7-9 appeared to have been omitted on filing. The notice set a two-month period for reply.

In response, on August 13, 2008, Applicants filed this petition. The petition is further accompanied by, *inter alia*, a copy of Figures 7-9, along with a copy of Applicants' postcard receipt acknowledging receipt of "3 sheets of drawings. (Figs. 1-9)" in the United States Patent and Trademark Office (Office) on July 23, 2008. Applicants request that Figures 7-9 be accorded a filing date of July 23, 2008.

Upon review of the electronic file, 2 sheets of drawings have been located, containing Figures 1-6. Figures 7-9 have not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 23, 2008 included 3 drawing sheets containing Figures 1-9, and the third sheet (containing Figures 7-9) was subsequently misplaced in the Office.

Therefore, the application, including Figures 7-9, was complete on filing and entitled to a filing date of July 23, 2008 as part of the original disclosure.

Accordingly, the petition pursuant to 37 C.F.R. § 1.182 is **GRANTED**.

The notice mailed August 7, 2008 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee will be credited to Petitioner's Deposit Account in due course.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for:

- Processing the application with a filing date of July 23, 2008, using the original application papers filed on that date, as well as Figures 7-9 submitted on August 13, 2008, and;
- noting in Office records that the single sheet of drawings containing Figures 7-9 was present on filing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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Mail Date: 07/26/2010

Applicant	: Shih Jyi Huang	: DECISION ON REQUEST FOR
Patent Number	: 7648125	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/219,556	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/24/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.