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

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Timothy N. EMIG, et al	:	
Application No. 12/219,578	:	DECISION ON PETITION
Filed: July 24, 2008	:	TO WITHDRAW
Attorney Docket No. 090250-0104	:	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 27, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Courtenay C, Brinckerhoff of the attorneys of record associated with Customer No. 22428.

The attorneys of record associated with Customer No. 22428 have been withdrawn.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 signing inventor at 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: TIMOTHY N. EMIG
8709 WOODED GLEN ROAD
LOUISVILLE, KY 40220

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STANLEY P. FISHER
REED SMITH LLP
SUITE 1400
3110 FAIRVIEW PARK DRIVE
FALLS CHURCH VA 22042-4503

MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of Ushiyama et al. Application Number: 12/219580 Filing Date: 07/24/2008 Attorney Docket Number: HITA-1149	DECISION DISMISSING PETITION

This is a decision in reference to the "PETITION SUBMITTED WITH RESPONSE TO NOTICE OF OMITTED ITEMS," filed on April 21, 2009, requesting that the above identified application, which was filed on July 24, 2008, include Figures 22-29.

The petition is dismissed.

On July 24, 2008, the application was filed. The application papers included, *inter alia*, 21 sheets of drawings including Figures 1-21, as well as a reference in the specification to Figures 22-29.

Accordingly, on April 17, 2009, a Notice of Omitted Item(s) in a Nonprovisional Application was mailed stating that, *inter alia*, Figures 22-29 described in the specification appeared to have been omitted.

In response, on April 21, 2009, the present petition was filed, accompanied by a copy of 29 sheets of drawings containing Figures 1-29.

Petitioners "submit that Figures 22-29 were in fact deposited in the U.S. Patent and Trademark Office with the non-provisional application on the grounds that page 1, beginning on line 2 of the specification recites that: This application is a Continuation of nonprovisional U.S. Application No. 11/196,331 filed on August 4, 2005."

The mailing of a "Notice of Omitted Item(s) in a Nonprovisional Application" stating that an item appears to have been omitted permits the applicant to either: (1) promptly establish prior

receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date, or (3) accept the application as deposited by either (a) filing an amendment to cancel the reference to the omitted item, accompanied by a replacement specification, drawings, or claim listing, or (b) file an amendment to add the omitted item by relying on an incorporation by reference under 37 CFR 1.57 or other portions of the original disclosure.

As such, an applicant asserting that the missing drawing Figures were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice to File Missing Parts" stating that an item appears to have been omitted (37 CFR 1.181(f)).

MPEP 201.06(c)(IV) states that:

> An applicant may incorporate by reference the prior application by including, in the continuation or divisional application-as-filed, an explicit statement that such specifically enumerated prior application or applications are "hereby incorporated by reference." The statement must appear in the specification. See 37 CFR 1.57(b) and MPEP § 608.01(p). The inclusion of this incorporation by reference statement will permit an applicant to amend the continuation or divisional application to include subject matter from the prior application(s), <u>without the need for a petition</u> provided the continuation or divisional application is entitled to a filing date notwithstanding the incorporation by reference.
>
> (emphasis supplied)
>
> For applications filed on or after September 21, 2004, a claim under 35 U.S.C. 120 and 37 CFR 1.78 for benefit of a prior-filed nonprovisional application or international

> application designating the U.S. that was present on the filing date of the continuation or divisional application is considered an incorporation by reference of the prior-filed application as to inadvertently omitted material, subject to the conditions and requirements of 37 CFR 1.57(a).

In this case, however, petitioners essentially neither assert that the missing drawing figure was deposited on July 24, 2008, nor request a filing date of the date the omitted items were deposited. Rather, petitioners state that the missing drawing was incorporated by reference on filing, and, thus, seek to amend the drawings to including the missing Figures 22-29.

As no petition is necessary to amend the specification or drawings, the petition is dismissed as moot.

Petitioners should file the drawings in the form of a preliminary amendment. The examiner will review the preliminary amendment for new matter in due course.

However, as the Notice of Omitted Item(s) in a Nonprovisional Application mailed on April 17, 2009, properly indicated that Figures 22-29 **appeared** to have been omitted, the Notice of Omitted Item(s) in a Nonprovisional Application was properly mailed and will not be withdrawn.

The petition fee has been received. Since this petition was not necessitated by an error on the part of the USPTO, the petition fee will not be refunded.

The application will be referred to the Office of Patent Application Processing for further processing.

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

Anthony Knight
Supervisor
Office of Petitions

Best Available Copy

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/219,620	07/24/2008	Joe-Oong Hahn	P58750	6991

7590 07/06/2010
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
RAABE, CHRISTOPHER M

ART UNIT	PAPER NUMBER
2879	

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.

Patent Publication Branch
Office of Data Management

Adjustment date: 07/02/2010 HFARMER
07/23/2010 LTRUONG 00000019 12215620
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

In re Application of	:	
Stefan BECKMANN, et al	:	
Application No. 12/219,638	:	DECISION ON PETITION
Filed: July 25, 2008	:	TO WITHDRAW
Attorney Docket No. 4B701-005001	:	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 8, 2009.

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

A review of the file record indicates that the power of attorney to David R. Schaffer and the attorneys associated with Customer Number 00181, have been revoked by the assignee of the patent application on November 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

/Diane Goodwyn/
Petitions Examiner
Office of Petitions

cc: UPONOR INNOVATION AB
INDUSTRIVAGEN
FRISTAD SWEDEN 51381 SW

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/219,677	07/25/2008	Takaaki Nakayama	137090	7223

7590 06/30/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KONG, SZE-HON

ART UNIT	PAPER NUMBER
3661	

NOTIFICATION DATE	DELIVERY MODE
06/30/2010	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

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1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

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MAY 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Shinichi Kohda	:	
Application No. 12/219,691	:	ON PETITION
Filed: July 25, 2008	:	
Attorney Docket No. AI-595	:	

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 August 27, 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 October 28, 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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 06/18/2010

Applicant	: Cheng Chieh Huang	: DECISION ON REQUEST FOR
Patent Number	: 7633049	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/219,702	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/28/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/219,781	07/29/2008	Hiroshige Matsui	01-1724	8276

7590 01/26/2010

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
MCCALL, ERIC SCOTT

ART UNIT	PAPER NUMBER
2855	

MAIL DATE	DELIVERY MODE
01/26/2010	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: 01/28/2010 NFARMER
07/30/2008 MAXMED1 00000005 12219781
02 FC:1111 -510.00 OP

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/04/2010

Applicant	: Li-Ching Lo	: DECISION ON REQUEST FOR
Patent Number	: 7648717	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/219,795	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **20** 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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P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215-0035

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SEP 09 2008

In re Application of	:	
Thomas H. Sharpe	:	
Application No. 12/219,805	:	DECISION ON PETITION
Filed: July 29, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 22113.06	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 29, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes 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 1795 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/219,822	07/29/2008	Hyun-Ye Lee	301/086	8139

7590 07/23/2010

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER
PATEL, NIMESHKUMAR D

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
07/23/2010	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

[illegible] 0000000410

Credit Card Refund Totals $510.00

[illegible]

Adjustment date: 07/23/2010 NFARMER
07/30/2008 MAXRED1 00000030 12219822
02 FC:1111 -510.00 OP

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/219,870	07/30/2008	Yoshito Kondou	KOND3015/GAL	8708

7590 09/08/2009
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER
BEHNCKE, CHRISTINE M

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
09/08/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/08/2009 NFARMER 0000168731

CHECK Refund Total: $510.00

Adjustment date: 09/08/2009 NFARMER
07/31/2008 MAHMED1 00000002 12219870
02 FC:1111 -510.00 OP

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OFFICE OF PETITIONS

CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS NJ 07652

In re Application of	:	
Shin, et al.	:	DECISION UNDER 37 CFR
Application No. 12/220,021	:	1.47(a)
Filed: July 21, 2008	:	
Attorney Docket No. 5000-1-1176	:	

This decision is in response to the petition under 37 CFR 1.47(a) filed on July 21, 2008.

The petition indicates that a legal representative has signed the declaration on behalf of deceased inventor Hyun. Petitioners assert that the legal representative has executed the declaration on behalf of the deceased inventor and all remaining inventors have also executed the declaration, consideration under 37 CFR 1.47 is not necessary. *See*, 37 CFR 1.42 and MPEP 409.01.

Accordingly, the petition is **DISMISSED AS MOOT**.

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Katsuhiko Nakazawa	: DECISION ON REQUEST FOR
Patent Number	: 7658640	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/220,048	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/21/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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OFFICE OF PETITIONS

LAW OFFICE OF MARTIN JERISAT
Suite 3300
10 S. LaSalle Street
CHICAGO IL 60603

In re Application of	:	
Menwer Attarakih Attarakih	:	
Application No. 12/220,070	:	DECISION ON PETITION
Filed: July 21, 2008	:	PURSUANT TO
Title: SYSTEM AND METHOD FOR	:	37 C.F.R. § 1.137(A)
SIMULATING AND MODELING THE	:	
DISTRIBUTION OF DISCRETE	:	
SYSTEMS	:	

This is a decision on the petition submitted on May 7, 2009, pursuant to 37 C.F.R. § 1.137(a).

This petition is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed August 5, 2008, which set a shortened statutory period for reply of two months. A response was received on March 4, 2009, however the required five-month extension of time under the provisions of 37 C.F.R. § 1.136(a) was not submitted in full.[1] Accordingly, the above-identified application became

1 For a small entity, the basic filing fee is $165, the surcharge associated with the late submission of the same is $65, the search fee is $270, the examination fee is $110, and the fee that is associated with a five-month extension of time is $1,175. These fees total $1,785, however on March 4, 2009, only $1,430 was included, and the submission did not contain an authorization to charge any deficiency to a Deposit Account.

abandoned on October 6, 2008. A notice of abandonment was mailed on March 23, 2009.

RELEVANT PORTION OF THE C.F.R. AND M.P.E.P.

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

ANALYSIS

Petition fee requirement:

The fee for filing a petition to revive an unintentionally abandoned application under 37 C.F.R. § 1.137(a) is set forth in 37 C.F.R. § 1.17(l) as being $270 for a small entity and $540 for a large entity. There is no record of said fee having been received, an authorization to charge any fee deficiency to a Deposit Account has not been located in the electronic file, and it is noted that Petitioner has not indicated that this fee was included with this petition.[2]

The payment of the required petition fee is a prerequisite to the filing of a petition to revive pursuant to 37 C.F.R.

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2 See petition, page 1.

§ 1.137. Therefore, consideration of the merits of the petition before receipt of the filing fee would be premature. See M.P.E.P. § 711.03(c)(III)(B), which sets forth, *in toto*:

> 35 U.S.C. 41(a)(7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 CFR 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived (emphasis added).
>
> In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

The phrase "unless the petition is filed under [35 U.S.C.] 133 or 151" signifies that petitions to revive filed on the basis of "unavoidable" delay (under 35 U.S.C. 133 or 151) are a subset of petitions to revive filed on the basis of unintentional delay. That is, "unavoidable" delay and "unintentional" delay are not alternatives; "unavoidable" delay is the epitome of "unintentional" delay. Any petition to revive an abandoned application or lapsed patent must meet the minimal "unintentional" delay threshold, and an applicant need only pay the fee specified in 37 CFR 1.17(l) (rather than the fee specified in 37 CFR 1.17(m)) if the petition is also accompanied by an adequate showing 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.

Moreover, it is noted that this petition has not been properly executed. See 37 C.F.R. § 1.4(d)(2).

It follows that this petition cannot be considered on the merits.

CONCLUSION

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[3] hand-delivery,[4] or facsimile.[5] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[6]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[7]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

LAW OFFICE OF MARTIN JERISAT
Suite 3300
10 S. LaSalle Street
CHICAGO IL 60603

MAILED

OCT 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Menwer Attarakih Attarakih	:	
Application No. 12/220,070	:	DECISION ON PETITION
Filed: July 21, 2008	:	PURSUANT TO
Title: SYSTEM AND METHOD FOR	:	37 C.F.R. § 1.137(B)
SIMULATING AND MODELING THE	:	
DISTRIBUTION OF DISCRETE	:	
SYSTEMS	:	

This is a decision on the petition submitted on August 1, 2009, pursuant to 37 C.F.R. § 1.137(b).

This petition is **GRANTED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed August 5, 2008, which set a shortened statutory period for reply of two months. A response was received on March 4, 2009, however the required five-month extension of time under the provisions of 37 C.F.R. § 1.136(a) was not submitted in full.[1] Accordingly, the above-identified application became abandoned on October 6, 2008. A notice of abandonment was mailed on March 23, 2009.

1 For a small entity, the basic filing fee is $165, the surcharge associated with the late submission of the same is $65, the search fee is $270, the examination fee is $110, and the fee that is associated with a five-month extension of time is $1,175. These fees total $1,785, however on March 4, 2009, only $1,430 was included, and the submission did not contain an authorization to charge any deficiency to a Deposit Account.

PROCEDURAL HISTORY AND ANALYSIS

A petition pursuant to 37 C.F.R. § 1.137(a) was submitted on August 1, 2009, and was dismissed via the mailing of a decision on June 1, 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.

To date, Petitioner has included the petition fee, the basic filing, search, and examination fees, along with the surcharge that is associated with the late submission of the same, and replacement drawings.[2]

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.[3]

The excess payment of $1,175 will be refunded to Petitioner via the preparation of a Treasury Check 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.

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2 Replacement drawings were received on March 4, 2009
3 See Rule 1.137(d).

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status**.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[4]

/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 any further action(s) of Petitioner.

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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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MAY 12 2009

OFFICE OF PETITIONS

In re Application of	:	
John L. Donoghue	:	
Application No. 12/220,117	:	ON PETITION
Filed: July 22, 2008	:	
Attorney Docket No. 258654	:	

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 statement (PTO/SB/130 form) by the applicant's attorney that he is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. 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 2885 for action on the merits commensurate with this decision.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
3097 Satellite Blvd., 2nd Floor
Duluth, GA 30096

Mail Date: 05/20/2010

Applicant	: Fredrik L. N. Kallin	: DECISION ON REQUEST FOR
Patent Number	: 7633605	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/220,148	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/22/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOSEPH E. MUETH
JOSEPH E. MUETH LAW CORPORATION
100 E. CORSON ST., STE. 300
PASADENA CA 91103-3842

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APR 1 0 2009

OFFICE OF PETITIONS

In re Application of :
Czarnowski, et al. :
Application No. 12/220,165 : DECISION DISMISSING PETITION
Filed: July 21, 2008 :
Attorney Docket No. **267-115 US** :

This is regarding the "Letter" filed August 26, 2008, which is directed to the Office of Petitions as a petition and is treated as such.

The petition is **dismissed as moot.**

Petitioner maintains that application 12/220,183 is a duplicate of the above-cited application is a duplicate filing of non-provisional application. Petitioner maintains that through a series of errors, papers filed on July 21, 2008, were also accorded an application serial number of 12/220,183 and application fees paid accordingly. Petitioner provides notice that the '183 application is a duplicate, requests that the '183 application be "cancelled" and that the application fees paid be refunded.

Petitioner does not indicate that any papers from '183 application need to be merged with the '165 application. It is most appropriate, therefore, for petitioner to expressly abandon the '183 application pursuant to 37 CFR 1.138 and make a formal request for refund of the appropriate fees under this rule. Such a request under 37 CFR 1.138 should be directed to the Office of Pre-Grant Publications. Relative to application 12/220,165, there is no further relief that the can be granted pursuant to the instant petition. The petition is dismissed, accordingly.

The application is being directed to the Office of Patent Application Processing for further review.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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222 EAST 41ST ST
NEW YORK NY 10017

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OCT 26 2009

OFFICE OF PETITIONS

In re Application of
Chiaur et al.
Application No. 12/220,178
Filed: July 22, 2008
Attorney Docket No. 5914-117-999

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed June 10, 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(s) (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 Chiaur, 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.

A brief search shows what may be the current address of non-signing inventor Dah Shiarn Chiaur (48 Washington St Apt 57, Santa Clara, CA 95050-6149).

Petitioner should mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to inventor Chiaur, 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 correspondence with respect to this matter should be addressed as follows:

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

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

GARY M. TRUCKS
1460 HILLANDALE RD.
BENTON HARBOR, MI 49022

In re Application of
Gary M. Trucks
Application No. 12/220,198
Filed: July 22, 2008
Attorney Docket No. PEND 1.0

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed October 6, 2009.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before September 10, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 10, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 10, 2009. A Notice of Abandonment was mailed on September 30, 2009. On October 6, 2009 the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $595 issue fee; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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Alexandria, VA 22313-1450
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Edward Raymond Wittke
54 Coppergate Lane
Warwick NY 10990

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NOV 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Edward Raymond Wittke, et al.	:	
Application No. 12/220,255	:	DECISION ON PETITION
Filed: July 23, 2008	:	
	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed August 6, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 7, 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 drawings and $220 additional claim fee, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Edward Raymond Wittke**
Melissa Anne Wittke
25 Great Hall Road
Mahwah, NJ 07430

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Masahiro Katakura	: DECISION ON REQUEST FOR
Patent Number	: 7576924	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/220,271	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/22/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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MARK LEVY
HINMAN, HOWARD & KATTELL, LLP
80 EXCHANGE STREET
P.O. BOX 5250
BINGHAMTON NY 13901

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In re Application of	:	
DILORENZO SR., Ronald L.	:	
Application No. 12/220,290	:	DECISION ON PETITION
Filed: July 23, 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 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 Ronald L. Dilorenzo Sr., attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

Michelle R. Eason
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
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Albert O Cota
5460 White Oak Avenue
Suite A-331
Encino, CA 91316

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In re Application of

Kwangill Hong
Application No. 12/220,343
Filed: July 24, 2008
Attorney Docket No. 08PLI1541

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 24, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a photocopy of applicant's driver's license. 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 3751 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

STANLEY ARRON
3323 OLD TOWN ROAD
BRIDGE PORT CT 06606

COPY MAILED

JUL 13 2009

OFFICE OF PETITIONS

In re Application of	:	
ARRON, Stanley	:	
Application No. 12/220,355	:	DECISION ON PETITION
Filed: July 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 June 19, 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 Stanley Arron 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 1615 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
601 SW Second Avenue, Suite 1600
Portland, OR 97204-3157

MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Donald Glenn Thompson	:	
Application No. 12/220,365	:	DECISION ON PETITION
Filed: July 24, 2008	:	TO WITHDRAW
Attorney Docket No. 8990.0002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed 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 Charles D. McClung 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 Donald Glenn Thompson at the address indicated below.

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

Terri Johnson
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Donald Glenn Thompson**
25150 S. Metzler Park Road
Estacada, OR 97023

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
12/220,365	07/24/2008	Donald Glenn Thompson	8990.0002

CONFIRMATION NO. 6884

POWER OF ATTORNEY NOTICE

152
CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
601 SW Second Avenue
Suite 1600
PORTLAND, OR 97204-3157

OC000000037786452

Date Mailed: 09/14/2009

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

GREENBERG TRAURIG (PHX)
INTELLECTUAL PROPERTY DEPARTMENT
2450 COLORADO AVENUE , SUITE 400E
SANTA MONICA CA 90404

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MAR 2 7 2009

OFFICE OF PETITIONS

In re Application of	:	
Stephen C. Tsai and Arlan W.	:	
Fuhr	:	
Application No. 12/220,372	:	DECISION ON PETITION
Filed: July 24, 2008	:	PURSUANT TO
Attorney Docket No. 072904-	:	37 C.F.R. § 1.47(A)
012000	:	
Title: PORTABLE CHIROPRACTIC	:	
ADJUSTOR	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed on March 9, 2009.

This petition is **DISMISSED**.

On July 24, 2008, the application was filed, identifying Stephen C. Tsai and Arlan W. Fuhr as joint inventors. No oath or declaration was included on filing. On August 8, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

On March 9, 2009, Petitioner submitted this petition in response to the notice, along with, *inter alia*, a declaration that has been executed by Mr. Fuhr and the fee that is associated with the

late submission of an oath or declaration, a declaration of facts, copies of e-mails and a letter, the last known address of the non-signing inventor, and a five-month extension of time, so as to make timely this response.[1]

The $200 petition fee will be charged to Petitioner's Deposit account in due course, as authorized on the eleventh page of the petition (numbered page 5).

It is noted that Petitioner has also submitted a "statement of facts," however this submission cannot be entered, as it has not been executed. See 37 C.F.R. §§ 1.4 and 10.18(a), along with MPEP § 502.02. It follows that the assertions contained in this statement have not been considered.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

Petitioner has met requirements (1) - (3) of 37 C.F.R. § 1.47(a).

Regarding the fifth requirement of Rule 1.47(a), the declaration that was submitted contemporaneously with this petition cannot be accepted, as it contains the language "I acknowledge the duty to disclose material information as defined in Title 37 Code of Federal Regulations,

1 It is noted that January 8, 2009 fell on a Sunday.

§ 1.56(a)…" However, any declaration submitted subsequent to June 1, 2008 must "include the language expressly set forth in 37 CFR 1.63, including that in 37 CFR 1.63(b)(3)."[2]

Similarly, regarding the fourth requirement of Rule 1.47(a), it appears that the declaration that was sent to the last known-address of the non-signing inventor on November 5, 2008[3] does not contain the required language indicating that the declarant "acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56."

Before filing the renewed petition, Petitioner should mail both an acceptable declaration and a complete copy of the application (since it is possible that the non-signing inventor has not retained the copy that was preveniently sent to him) to the last known residential address of the non-signing joint inventor, and provide him with a reasonable period of time to respond. Petitioner should note that any statement that pertains to the presentation should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[4] hand-delivery,[5] or facsimile.[6] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[7]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

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2 See 1327 *Official Gazette* 112 (February 12, 2008).
3 Webb declaration of facts, page 1.
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300- please note this is a central facsimile number.
7 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[8]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

8 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

GREENBERG TRAURIG (PHX)
INTELLECTUAL PROPERTY DEPARTMENT
2450 COLORADO AVENUE , SUITE 400E
SANTA MONICA CA 90404

MAILED

MAY 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Stephen C. Tsai and Arlan W.	:	
Fuhr	:	
Application No. 12/220,372	:	DECISION ON RENEWED
Filed: July 24, 2008	:	PETITION PURSUANT TO
Attorney Docket No. 072904-	:	37 C.F.R. § 1.47(A)
012000	:	
Title: PORTABLE CHIROPRACTIC	:	
ADJUSTOR	:	

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a), filed on April 22, 2009.

This renewed petition is **GRANTED**.

On July 24, 2008, the application was filed, identifying Stephen C. Tsai and Arlan W. Fuhr as joint inventors. No oath or declaration was included on filing. On August 8, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

On March 9, 2009, Petitioner submitted an original petition in response to the notice, along with, *inter alia*, a declaration that has been executed by Mr. Fuhr and the fee that is associated

with the late submission of an oath or declaration, a declaration of facts, copies of e-mails and a letter, the last known address of the non-signing inventor, and a five-month extension of time, so as to make timely the response.[1]

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

The original petition was dismissed via the mailing of a decision on March 27, 2009, which indicated that requirements (1) - (3) of 37 C.F.R. § 1.47(a) had been met.

With this renewed petition, Petitioner has submitted an argument pertaining to the acceptability of the declaration that was provided with the original petition, and this argument has been deemed to be persuasive. As such, the Office has reconsidered its position on the fourth and fifth requirements of Rule 1.47(a).

It follows that <u>each of the five requirements of 37 C.F.R. § 1.47(a) has been satisfied</u>. This application is hereby accorded Rule 1.47(a) status.

As provided in 37 C.F.R. § 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address that appears on the declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

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1 It is noted that January 8, 2009 fell on a Sunday.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] 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

---

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 Petitioner's further action(s).

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THE LUTHER LAW FIRM, PLC
10575 N 114TH STREET
SUITE 103
SCOTTSDALE AZ 85259

MAILED

MAY 26 2010

OFFICE OF PETITIONS

In re Application of
Siegel, et al
Application No. 12/220,403
Filed: July 24, 2008
Attorney Docket No. IRBS-01ORD
For: METHODS AND COMPOSITIONS FOR STIMULATING THE PROLIFERATION OR DIFFERENTIATION OF STEM CELLS WITH SUBSTANCE P OR AN ANALOG THEREOF

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 17, 2010, 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 Restriction Requirement, mailed September 9, 2009, which set a one 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 October 10, 2009. A Notice of Abandonment was mailed on March 19, 2010.

Applicants have submitted a proper reply to the September 9, 2009 Restriction Requirement in the form of an election with traverse/amendment, an acceptable statement of the unintentional nature of the delay in responding to the September 9, 2009 Restriction Requirement, and the $810.00 petition fee.

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, practitioner 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, practitioner must notify the Office.

All requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the file will be returned to Technology Center AU 1654 for consideration of the reply filed on March 17, 2010.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

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APR 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Hongwu Chi	:	
Application No. 12/220,411	:	Decision According Status
Filed: July 23, 2008	:	Under 37 CFR 1.47(b)
Attorney Docket No. PA4422US	:	
For: Systems and Methods for Powering	:	
Circuits for a Communication Device	:	

This is in response to the petition under 37 CFR 1.47(b) filed December 29, 2008.

The petition is **granted**.

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

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

The Office of Patent Application Processing will be informed of the instant decision so that it may continue to prepare the application for examination.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RIMAS LUKAS
VERTIFLEX, INC.
1351 CALLE AVANZADO
SAN CLEMENTE, CA 92673

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MAR 15 2010

In re Application of Moti Altarac et al. Application No. 12/220,427 Filed: July 24, 2008 Attorney Docket No. **VFX012000506**	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

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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AUG 1 0 2009

OFFICE OF PETITIONS

STEVEN N FOX ESQ
PO BOX 251
CANTON MA 02021

In re Application of	:	
Wen Chen Wu	:	
Application No. 12/220,452	:	ON PETITION
Filed: July 24, 2008	:	
Attorney Docket No. 2008-120	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed June 30, 2009.

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

The above-identified application became abandoned for failure to timely file a complete reply in response to the Notice to File Missing Parts, mailed August 7, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings, an oath or declaration, the surcharge for its late filing, and the statutory basic filing fee. On December 8, 2008, applicant filed a reply, made timely by obtaining a 2 month extension of time, and by the fact that December 7, 2008 fell on a Sunday. See 37 CFR 1.7(a). However, the reply did not include the statutory basic filing fee in full, and as such, the Office mailed a Notice of Incomplete Reply on December 30, 2008. This Notice did not set a new period for reply. No further reply with an extension of time having been received, the application became abandoned on December 8, 2008. The Office mailed a Notice of Abandonment on April 15, 2009.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the statutory basic filing fee.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MONTGOMERY, MCCRACKEN, WALKER & RHOADS, LLP
123 SOUTH BROAD STREET
AVENUE OF THE ARTS
PHILADELPHIA PA 19109

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MAR 10 2009

OFFICE OF PETITIONS

In re Application of :
Freemont, et al. :
Application No. 12/220,505 :
Filed: July 25, 2008 :
Attorney Docket No. 61190.00007 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed December 19, 2008.

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Terence P. O'Brien
Wilson Sporting Goods Co.
8750 W. Bryn Mawr Avenue
Chicago IL 60631

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DEC 0 8 2008

OFFICE OF PETITIONS

In re Application of
Gaff et al.
Application No. 12/220,552
Deposited: July 25, 2008
Attorney Docket No. WD0125

ON PETITION

This is in response to the "PETITION IN RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" filed October 29, 2008, requesting that the above-referenced application be accorded a filing date of July 25, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on July 25, 2008. However, on September 3, 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.

Petitioner states that two sheets of formal drawings (figures 1-8) were filed on July 25, 2008. In support of petitioner's argument a postcard receipt has been provided.

The evidence has been considered but it is not persuasive. A review of the official file confirms the Office did not receive any drawings on July 25, 2008. The Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503). A review of the postcard presented shows that the postcard does not contain an Office stamp. Thus, the postcard does not serve as prima facie evidence of receipt of the drawings.

Further 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.

To the extent the instant petition requests a filing date of July 25, 2008 with no drawings present in the application, the petition is **GRANTED TO THE EXTENT INDICATED**.

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

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

- **correction of the filing date to July 25, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TUNG & ASSOCIATES / RANDY W TUNG ESQ
838 W LONG LAKE ROAD
SUITE 120
BLOOMFIELD HILLS MI 48302

MAILED

APR 23 2009

OFFICE OF PETITIONS

In Application of	:	
Lowe, et al.	:	
Application No. 12/220,562	:	DECISION REFUSING STATUS
Filed: July 25, 2008	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. Lowe Utility Patent 1	:	

This is in response to the petition under 37 CFR 1.47(a), filed October 7, 2008.

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

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Rule 47 applicant has not met requirement (2) above.

As to requirement (2), the declaration submitted on filing does not comply with 37 CFR 1.63. Inventor McGahey has signed a declaration identifying herself as the sole inventor; he has not signed a declaration that identifies inventor Lowe. Likewise, the declaration identifying Lowe does not list inventor McGahey. Regarding this, the Manual of Patent Examining Procedure states:

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).[1]

On renewed petition, petitioner must submit an oath or declaration in compliance with 37 CFR 1.63.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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[1] MPEP 201.03(B).

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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HARRY V MCGAHEY JR
1532 SIXTH AVENUE
SAN DIEGO CA 92101

MAILED

JUL 13 2009

OFFICE OF PETITIONS

In Application of Lowe, et al. Application No. 12/220,562 Filed: July 25, 2008 Attorney Docket No. Lowe Utility Patent 1	: : : : :	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed June 22, 2009.

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

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Rule 47 applicant has not met requirement (2) above.

As to requirement (2), the declaration submitted on filing does not comply with 37 CFR 1.63. Inventor McGahey has signed a declaration identifying herself as the sole inventor; he has not signed a declaration that identifies inventor Lowe. Likewise, the declaration identifying Lowe does not list inventor McGahey. Regarding this, the Manual of Patent Examining Procedure states:

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).[1]

On renewed petition, petitioner must submit an oath or declaration in compliance with 37 CFR 1.63.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] MPEP 201.03(B).

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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MAR 12 2010

HARRY V. MCGAHEY JR.
1532 SIXTH AVENUE
SAN DIEGO CA 92101

In re Application of	:	
David Lowe et al.	:	
Application No. 12/220,562	:	DECISION ON PETITION
Filed: July 25, 2008	:	TO WITHDRAW
Attorney Docket No. Lowe Utility Patent 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 November 25, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Harry V. McGahen, Esq. and attorneys/agents associated with customer number 59580: (1) do not have power of attorney in this patent application; and (2) had been employed or otherwise engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable. It appears that that a power of attorney appointing attorneys/agents associated with customer number 59580 had not been filed in this application.

The correspondence address will be changed as indicated on the request.

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: David Lowe
1780 Bacon Street
San Diego, CA 92107

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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ALFRED M. WALKER
225 OLD COUNTRY ROAD
MELVILLE NY 11747-2712

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NOV 1 8 2008

OFFICE OF PETITIONS

In re Application of
HALL, Kenneth
Application No. 12/220,564
Filed: July 25, 2008
Attorney Docket No. **250508 Hall Hook**

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 October 10, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The evidence submitted with the instant petition is a copy of Kenneth Hall's driver's license indicating that she is at least 65 years of 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 3634 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

MAY 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Sugato Mukherjee	:	
Application No. 12/220,577	:	DECISION ON PETITION
Filed: July 25, 2008	:	TO WITHDRAW
Attorney Docket No. PAT001148-001 (013721-019	:	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 16, 2010.

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 all attorneys/agents associated with customer number 20583 have been revoked by the assignee of the patent application on April 1, 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 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: Dorsey & Whitney, LLP
Intellectual Property Department
Columbia Center
701 Fifth Avenue, Suite 6100
Seattle, WA 98104-7043

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

STANTON E. COLLIER
PO BOX6136
HOLYOKE MA 01040

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SEP 1 5 2008

OFFICE OF PETITIONS

In re Application of	:	
David W. HERMANSEN	:	
Application No. 12/220,601	:	DECISION ON PETITION
Filed: July 25, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 070601P	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 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 from the applicant. Accordingly, the above-identified application has been accorded "special" status.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK, NJ 07601

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MAR 3 1 2010

OFFICE OF PETITIONS

In re Application of :
Xiaohai Liu et al :
Application No. 12/220,682 : ON PETITION
Filed: July 24, 2008 :
Attorney Docket No. 2713-1-026CON

This is a decision on the petition, filed March 30, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 4, 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 1637 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.
12/220,688	07/24/2008	Bertrand Vick	PA4542US	7465

22830 7590 07/07/2010
CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

EXAMINER
SULLIVAN, DANIELLE D

ART UNIT	PAPER NUMBER
1616	

MAIL DATE	DELIVERY MODE
07/07/2010	PAPER

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

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

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 0 7 2010

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

In re Application of	:	
VICK, Bertrand et al.	:	DECISION ON PETITION
Application No. 12/220688	:	TO MAKE SPECIAL UNDER
Filed: July 28, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. PA4542US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 11th, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1616 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
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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COOK GROUP PATENT OFFICE
P.O. BOX 2269
BLOOMINGTON IN 47402

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OFFICE OF PETITIONS

In re Application of :
Clausen, Hendriksen, Fleck, Jones, and Roeder :
Application No. 12/220,758 : DECISION REFUSING STATUS
Filed: July 28, 2008 : UNDER 37 CFR 1.47(a)
Attorney Docket No. PA-6222-RFB :
For: IMPLANTABLE VASCULAR FILTERS, APPARATUS AND METHODS OF IMPLANTATION

This is a decision on the petition under 37 CFR 1.47(a) filed November 13, 2008

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

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on July 28, 2008, and was not accompanied by a properly executed oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on August 13, 2008, requiring a proper oath or declaration and allowing an extendable period for reply of two months from its mailing date. The instant petition was filed on November 13, 2008, with a request for an extension of time within the first month.

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

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

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

(3) the petition fee,

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

The instant petition lacks item (2) as set forth above.

As to item (2), the declaration filed November 13, 2008, contains and uninitiated and undated cross-out in inventor Fleck's signature block. The renewed petition must be accompanied by a declaration wherein the signature block for inventor Fleck is corrected.

It is also requested that petitioner clarify whether or not petitioner was able to confirm that the telephone calls placed to inventor Jones were to a number maintained and used by inventor Jones, i.e., was it inventor Jones on the voice mail etc.

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

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COOK GROUP PATENT OFFICE
P.O. BOX 2269
BLOOMINGTON IN 47402

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APR 23 2009

OFFICE OF PETITIONS

In re Application of
Clausen, Hendriksen, Fleck, Jones, and Roeder
Application No. 12/220,758
Filed: July 28, 2008
Attorney Docket No. PA-6222-RFB
For: IMPLANTABLE VASCULAR FILTERS, APPARATUS AND METHODS OF IMPLANTATION

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

This is in response to the second petition under 37 CFR 1.47(a), filed April 1, 2009.

The renewed petition is **GRANTED**.

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

The above-identified application was filed on July 28, 2008, and was not accompanied by a properly executed oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on August 13, 2008, requiring a proper oath or declaration and allowing an extendable period for reply of two months from its mailing date. A petition under 37 CFR 1.47(a) was filed on November 13, 2008, with a request for an extension of time within the first month. The petition was dismissed by a decision mailed February 5, 2009.

Petitioner has shown that inventor Jones has refused to join the prosecution of the above-identified application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(a) status.

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

This application will be forwarded to the Office of Patent Application Processing for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SIDLEY AUSTIN LLP
555 CALIFORNIA STREET
SUITE 2000
SAN FRANCISCO CA 94104-1715

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DEC 3 1 2008

OFFICE OF PETITIONS

In re Application of :
Choi, Park, Chi, and Koo :
Application No. 12/220,769 : DECISION REFUSING STATUS
Filed: July 25, 2008 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 25503/83201 :
For: **CONVERTER AND DRIVING METHOD THEREOF**

This is a decision on the petition under 37 CFR 1.47(a), filed December 15, 2008.

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

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on July 25, 2008, without a properly executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on August 15, 2008, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The instant petition was filed on December 15, 2008, with an extension of time within the second month.

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

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

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

(3) the petition fee,

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

The instant petition lacks item (1) as set forth above.

As to item (1), the instant petition does not provide sufficient evidence of the inventor's constructive refusal to join the application. Further to this point, Section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent part, that:

> [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 paper should be sent to the last known address of the non-signing inventor . . .
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner states that the complete application papers were sent to the last known address of the non-signing inventor via registered mail. Petitioner does not indicate whether or not petitioner received a signed return receipt from that registered mail package or some other sort of documentation evidencing the non-signing inventor's receipt of the same. The renewed petition should be accompanied by any documentary evidence that petitioner has to show that the application papers were received by the non-

signing inventor. If petitioner does not possess such evidence, petitioner should state this in the renewed petition.

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

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SIDLEY AUSTIN LLP
555 CALIFORNIA STREET
SUITE 2000
SAN FRANCISCO CA 94104-1715

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JUN 19 2009

OFFICE OF PETITIONS

In re Application of
Choi, Park, Chi, and Koo
Application No. 12/220,769
Filed: July 25, 2008
Attorney Docket No. 25503/83201
For: **CONVERTER AND DRIVING METHOD THEREOF**

: DECISIONACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed May 6, 2009.

The petition is **GRANTED**.

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

The above-identified application was filed on July 25, 2008, without a properly executed oath or declaration. Accordingly, a "Notice to File Missing Parts Non-provisional Application" (the "Notice") was mailed on August 15, 2008, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. A petition under 37 CFR 1.47(a) was filed on December 15, 2008, with an extension of time within the second month. The petition was dismissed by a decision mailed December 30, 2008.

Petitioner has shown that inventor Chi cannot be located to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

This application will be forwarded to the Office of Patent Application Processing for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No.

Melvin I. Stoltz
51 Cherry Street
Milford CT 06460

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OFFICE OF PETITIONS

In re Application of	:	
Eric Lai et al.	:	
Application No. 12/220,771	:	DECISION ON PETITION
Filed: July 28, 2008	:	PURSUANT TO
Attorney Docket No.: 802-034	:	37 C.F.R. § 1.182
Title: HIGH SECURITY, DUAL-MODE	:	
PADLOCK CONSTRUCTION	:	

This is a decision on the petition filed September 18, 2008, requesting that the above-identified application, including pages 54-56 of the specification, be accorded a filing date of July 28, 2008 as part of the original disclosure.

This petition is **DISMISSED**.

Receipt of the concurrently submitted replacement drawings and the fully-executed substitute declaration is acknowledged.

The application was deposited on July 28, 2008. However, on September 2, 2008, the Office of Data Management mailed a "Notice to File Corrected Application Papers" (notice), stating that the application had been accorded a filing date, and advising applicants, *inter alia*, that pages 54-56 of the specification appeared to have been omitted. The notice set a two-month period for reply. It is noted that the transmittal sheet that was included on filing contains the stamp: "The PTO did not receive the following listed item(s) from Background: page (sic) 54, 55, 56 are missing."

In response, on September 18, 2008, Petitioner filed the present petition. The petition is further accompanied by, *inter alia*, a

copy of pages 54-56 of the specification, along with a copy of Petitioner's postcard receipt acknowledging receipt of "Fifty-eight (58) pages of specification, including Abstract" in the United States Patent and Trademark Office (Office) on July 28, 2008. Petitioner requests that pages 54-56 of the specification be accorded a filing date of July 28, 2008.

It is noted that 45 pages of specification, ten pages of claims, and a one-page abstract have been located in the electronic file. These portions of the application add up to 56 pages. Petitioner seeks to introduce three pages (pages 54-56). **However, this would result in a specification and abstract totaling 59 pages in length, whereas the postcard evinces that only 58 pages were received on filing. As such, it is clear that two of these three pages were included on initial deposit, and one of these three pages was omitted.** As the Office cannot discern which two pages were included and which page was omitted, this petition cannot be granted at this time.

It is noted that in passing that Petitioner has explained the practice that is used in his Office regarding the preparation of applications, as well as his practice of retaining of a copy of an application in his files.[1] Petitioner has indicated "the photocopy of the application contains all (emphasis included) of the pages detailed in the postcard, including pages 54-56 which have been deemed to be omitted from the application."[2] However, Petitioner's file is not more persuasive than the postcard receipt that he himself (or an assistant acting on his behalf) prepared.

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. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, the submission of a paper indicting the acceptance of the according of September 18, 2008 as the filing date of this application, coupled with an amendment directing the entry of pages 54-56 of the specification, would be considered a fully-responsive reply.

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1 Petition, page 2.
2 Id.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[3] hand-delivery,[4] or facsimile.[5] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[6]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[7]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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

Paper No.

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DEC 05 2008

OFFICE OF PETITIONS

Melvin I. Stoltz
51 Cherry Street
Milford CT 06460

In re Application of	:	
Eric Lai et al.	:	
Application No. 12/220,771	:	DECISION ON RENEWED PETITION
Filed: July 28, 2008	:	PURSUANT TO
Attorney Docket No.: 802-034	:	37 C.F.R. § 1.182
Title: HIGH SECURITY, DUAL-MODE	:	
PADLOCK CONSTRUCTION	:	

This is a decision on the renewed petition filed October 22, 2008, requesting that the above-identified application, including pages 54-56 of the specification, be accorded a filing date of July 28, 2008 as part of the original disclosure.

This renewed petition is **DISMISSED**.

The application was deposited on July 28, 2008. However, on September 2, 2008, the Office of Data Management mailed a "Notice to File Corrected Application Papers" (notice), stating that the application had been accorded a filing date, and advising applicants, *inter alia*, that pages 54-56 of the specification appeared to have been omitted. The notice set a two-month period for reply. It is noted that the transmittal sheet that was included on filing contains the stamp: "[t]he PTO did not receive the following listed item(s) from Background: page (sic) 54, 55, 56 are missing."

In response, on September 18, 2008, Petitioner filed an original petition pursuant to Rule 1.182. The petition was accompanied by, *inter alia*, a copy of pages 54-56 of the specification, and a copy of Petitioner's postcard receipt acknowledging receipt of "Fifty-eight (58) pages of specification, including Abstract" in

the United States Patent and Trademark Office (Office) on July 28, 2008. Petitioner requested that pages 54-56 of the specification be accorded a filing date of July 28, 2008.

The original petition was dismissed via the mailing of a decision on October 10, 2008, which indicated, *in pertinent part*:

> It is noted that 45 pages of specification, ten pages of claims, and a one-page abstract have been located in the electronic file. These portions of the application add up to 56 pages. Petitioner seeks to introduce three pages (pages 54-56). **However, this would result in a specification and abstract totaling 59 pages in length, whereas the postcard evinces that only 58 pages were received on filing. As such, it is clear that two of these three pages were included on initial deposit, and one of these three pages was omitted** (emphasis included). As the Office cannot discern which two pages were included and which page was omitted, this petition cannot be granted at this time.
>
> It is noted that in passing that Petitioner has explained the practice that is used in his Office regarding the preparation of applications, as well as his practice of retaining of a copy of an application in his files.[1] Petitioner has indicated "the photocopy of the application contains all (emphasis included) of the pages detailed in the postcard, including pages 54-56 which have been deemed to be omitted from the application."[2] However, Petitioner's file is not more persuasive than the postcard receipt that he himself (or an assistant acting on his behalf) prepared.

With this renewed petition, Petitioner has asserted that he "has never included the title page of an application as a numbered page."[3]

Petitioner would have the Office determine that the first page of the specification should not be counted as part of the "Fifty-eight (58) pages of specification" that appears on his postcard receipt, however this would require a finding that the title page is not a portion of the specification. Whether or not Petitioner considered the title page to be a numbered page, there is no question that **the title page is the first page of the specification, and when determining the length of a specification, the title page must be counted as part of the same.**

The title page cannot be considered a separate entity from the specification, as it is the first page of the same. A title is a necessary part of a patent application, and the title is placed at the beginning of the specification.[4] Moreover, it is noted that the first sentence following the title (which appears on

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1 Original Petition, page 2.
2 Id.
3 Renewed petition, page 2.
4 See 37 C.F.R. § 1.72 and MPEP § 606.

page two of the specification)[5] consists of a benefit claim to a provisional application, in accordance with 37 C.F.R. § 1.78(a)(5)(iii). As such, the title page consists of the first page of the specification, despite the fact that Petitioner does not consider this page to be a numbered page.

The decision on the original petition stands. As the Office cannot discern which two pages were included and which page was omitted on filing, this petition cannot be granted at this time.

The time period for filing a second renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, the submission of a paper indicting the acceptance of the according of September 18, 2008 as the filing date of this application, coupled with an amendment directing the entry of pages 54-56 of the specification, would be considered a fully-responsive reply.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone

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5 Petitioner considers this unnumbered second page to be "page number 1" of the specification. Renewed petition, page 2.
6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300- please note this is a central facsimile number.
9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[10]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

10 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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JAN 08 2009

OFFICE OF PETITIONS

Melvin I. Stoltz
51 Cherry Street
Milford CT 06460

In re Application of	:	
Eric Lai et al.	:	
Application No. 12/220,771	:	DECISION ON SECOND
Filed: July 28, 2008	:	RENEWED PETITION PURSUANT TO
Attorney Docket No.: 802-034	:	37 C.F.R. § 1.182
Title: HIGH SECURITY, DUAL-MODE	:	
PADLOCK CONSTRUCTION	:	

This is a decision on the second renewed petition filed December 12, 2008.

The application was deposited on July 28, 2008. However, on September 2, 2008, the Office of Data Management mailed a "Notice to File Corrected Application Papers" (notice), stating that the application had been accorded a filing date, and advising applicants, *inter alia*, that pages 54-56 of the specification appeared to have been omitted. The notice set a two-month period for reply. It is noted that the transmittal sheet that was included on filing contains the stamp: "[t]he PTO did not receive the following listed item(s) from Background: page (sic) 54, 55, 56 are missing."

In response, on September 18, 2008, Petitioner filed an original petition pursuant to Rule 1.182, requesting that the above-identified application, including pages 54-56 of the specification, be accorded a filing date of July 28, 2008 as part of the original disclosure.

The original petition was dismissed via the mailing of a decision on October 10, 2008.

A renewed petition was filed on October 22, 2008, and was dismissed via the mailing of a decision on December 5, 2008.

With this second renewed petition, Petitioner has requested that this application "be accepted as deposited with an Official Filing Date of July 28, 2008 and the enclosed Preliminary Amendment be entered."[1]

This second renewed petition is **GRANTED**.

The Office of Patent Application Processing (OPAP) will be advised to process this application with a **filing date of July 28, 2008, using only the original application papers deposited on that date**.

The amendment received on December 12, 2008 will be reviewed by the examiner in due course for new matter.[2]

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[3]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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1 Second renewed petition, page 2.
2 See MPEP §§ 608.02(h) and 608.04.
3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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JACKSON WALKER, L.L.P.
112 E. PECAN, SUITE 2400
SAN ANTONIO, TX 78205

Mail Date: 04/20/2010

Applicant	: Clay Cox	: DECISION ON REQUEST FOR
Patent Number	: 7617619	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/220,773	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/28/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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Robert F. Zenisek
41 E. Campus Court
Racine, WI 53402

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AUG 18 2008

In re Application of	:	
Robert F. Zenisek	:	
Application No. 12/220,803	:	DECISION ON PETITION
Filed: July 29, 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 29, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 3636 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

JAMES D. PETRUZZI
4900 WOODWAY SUITE 745
HOUSTON, TX 77056

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of Gerard S. Lazzara Application No. 12/220,876 Filed: July 29, 2008 Attorney Docket No. N/A	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 20, 2009, to revive the above-identified application.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of James D. Petruzzi appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The application became abandoned for failure to respond to the Notice to File Missing Parts of Nonprovisional Application mailed on August 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an executed oath/declaration with the $65 surcharge; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Takeharu Naito	: DECISION ON REQUEST FOR
Patent Number	: 7648377	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/220,997	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/30/2008	: 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.

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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MAIL

OCT 30 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of	:	
ROMPPANEN, TIMO	:	DECISION ON REQUEST TO
Application No. 12/221,028	:	PARTICIPATE IN PATENT
Filed: July 30, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 07701C/RPM	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed August 20, 2008 and additional supplemental petition filed October 7, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

Best Available Copy

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/221,030	07/30/2008	Jung-Suk Song	SDIYPL.204AUS	9304

7590 07/12/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
ROY, SIKHA

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
07/12/2010	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

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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BRUCE L. ADAMS, ESQ
ADAMS & WILKS
SUITE 1231
17 BATTERY PLACE
NEW YORK, NY 10004

Mail Date: 05/04/2010

Applicant	: Haruki Hiranuma	: DECISION ON REQUEST FOR
Patent Number	: 7614785	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/221,049	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/30/2008	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE PA 15146

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SEP 17 2008

In re Application of	:
Alex Soriano Ramos	:
Application No. 12/221,106	: DECISION DISMISSING
Filed: August 28, 2008	: PETITION
Attorney Docket No. ASR 08149	:

This is a decision on the petition, filed August 28, 2008, under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of July 31, 2008, with drawings (as described in the specification), as a part of the original disclosure.

The application was deposited on July 31, 2008. However, on August 19, 2008, the Office of Data Management mailed a Notice of Incomplete Nonprovisional Application stating that the application had been deposited without drawings, and that the filing date of the application would be the date of receipt of the drawings.

In response, the instant petition was filed, asserting that the application as filed on July 31, 2008 included drawings. In support, petitioners submit a copy of a postcard receipt itemizing, *inter alia*, the filing of a patent application with 9 sheets of drawings. Petitioner argues that in accordance with MPEP 503, the postcard receipt bearing an Office date stamp of July 31, 2008, referencing the above-identified application number is evidence of the filing of the drawings.

The argument and evidence supplied with the petition have been carefully considered, but are not persuasive. A review of the record reveals that no drawings are located among the application papers deposited July 31, 2008. Additionally, upon further review, it is noted that the postcard receipt states that the USPTO did not receive "9 Drawing Sheets". The notation made by a PTO employee that the 9 Drawing Sheets identified on the postcard and the application transmittal letter were not found in the Mail envelope. This indicates that they were not misplaced in the PTO, since the PTO employee who opened the Mail envelope recognized that 9 Drawing Sheets were intended to be filed and found them to be missing.

Petitioners therefore may not rely on the return postcard because the postcard reflects that the USPTO did *not* receive the drawings. If a 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.[1] Therefore, petitioners' postcard receipt does not show receipt of the drawings in the USPTO on July 31, 2008.

As the present petition was not necessitated as a result of USPTO error, the petition fee will not be refunded.

The petition is **DISMISSED**.

This matter is being referred to the Office of Patent Application Processing for further processing with a filing date of August 28, 2008, using the drawings supplied with the present petition on that date.

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 503.

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE PA 15146

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OCT 27 2008

In re Application of
Alex Soriano Ramos
Application No. 12/221,106
Filed: August 28, 2008
Attorney Docket No. ASR 08149

: DECISION DISMISSING PETITION

This is a decision on the request for reconsideration filed September 29, 2008, under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of July 31, 2008, with drawings (as described in the specification), as a part of the original disclosure.

The application was deposited on July 31, 2008. However, on August 19, 2008, the Office of Data Management mailed a Notice of Incomplete Nonprovisional Application stating that the application had been deposited without drawings, and that the filing date of the application would be the date of receipt of the drawings. In response, petitioner responded with a petition filed August 28, 2008, a copy of a postcard receipt, 9 sheets of drawings, a Declaration by Maureen Mastromonaco that the Formal Drawings were indeed included in the original patent application filed on July 31,2008. The petition was dismissed in a decision mailed September 17, 2008 because a review of the record reveals that no drawings were located among the application papers deposited July 31, 2008 and because the postcard receipt stated that the USPTO did not receive "9 Drawing Sheets". Petitioners were advised that the notation was an indication that the drawings were not misplaced in the PTO, since the PTO employee who opened the Mail envelope recognized that 9 Drawing Sheets were intended to be filed and found them to be missing.

Comes now petitioner with the instant renewed petition arguing that the decision failed to address the declaration of Maureen Mastromonaco stating that the drawings in question were enclosed with the non-provisional application identified above.

Petitioner's arguments have been considered but are not persuasive. The Mastromonaco declaration was considered but in light of the postcard receipt it can only be assumed that petitioner intended to include the drawings with the application papers filed July 31, 2008.

The USPTO has a well-established and well-publicized practice of providing a receipt

for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper. **A postcard receipt which itemizes and properly identifies the papers 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. See section 503, Manual of Patent Examining Procedure (MPEP 503).**

Petitioners therefore may not rely on the Mastromonaco declaration because the statement at best is only evidence of what was intended to be filed, not evidence of what was actually received or filed in the USPTO. Neither can the postcard be relied upon because the postcard reflects that the USPTO did *not* receive the drawings. If a 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.[1] Therefore, petitioners' postcard receipt does not show receipt of the drawings in the USPTO on July 31, 2008.

In view thereof, the renewed petition is **DISMISSED**.

Telephone inquiries specific 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

[1] MPEP 503.

UNITED STATES PATENT AND TRADEMARK OFFICE

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TREX ENTERPRISES CORP.
10455 PACIFIC COURT
SAN DIEGO, CA 92121

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AUG 18 2009

OFFICE OF PETITIONS

In re Application of	:	
John Lawrence ERVIN, et al	:	
Application No. 12/221,119	:	DECISION ON PETITION
Filed: July 30, 2008	:	
Attorney Docket No. 849	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File 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 replacement drawings and an amended specification; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

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.

The power of attorney filed with the petition on May 26, 2009, is acknowledged by the Office, however, is not accepted as complying with 37 CFR .3.73(b) because assignee has not properly intervened. The submission does not include a copy of an executed assignment nor has the reel and frame been provided.

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 Diane Goodwyn at (571)272-6735.

This application is being referred back to the Office of Data Management for further processing in the normal course of business.

Thurman K. Page
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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1176 HOWELL STREET
CODE 000C
NEWPORT RI 02841

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AUG 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Dehua Huang	:	
Application No. 12/221149	:	DECISION ON
Filing or 371(c) Date: 07/24/2008	:	PETITION
Attorney Docket Number: 96948	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b), filed July 21, 2009.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 20, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 20, 2009. Accordingly, the date of abandonment of this application is July 21, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee and the publication fee; (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

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

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

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

Date June 8, 2010

Patent No. :7700578
Inventor(s) :Patricia Guerry-Kopecko
Issued :April 20, 2010
Title :CAPSULE COMPOSITION FOR USE AS IMMUNOGEN AGAINST CAMPYLOBACTER
:JEJUNI

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322 and 1.323.

An error on a patent can be corrected by a certificate of correction, if appropriate. Accordingly, a petition under C.F.R. 1.182 is required to correct the alleged error concerning the inventor's name. Since this information is printed solely in accordance with the typewritten information provided on the Declaration, Oath and/or ADS, and since the error was the result of applicant's failure to comply with the requirement that the complete and correct information be provided, accordingly, correction is not warranted here under the provisions of Rules 1.322 or 1.323, unless a petition is granted.

However, any petition under 37 CFR 1.182 should be directed to the attention of the Assistant Commissioner for Patents using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks
Petitions Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 308-6916
Attn: Office of Petitions

If the petition under 37 CFR 1.182 is filed and granted the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100).

Any telephone 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) 756-1561

Naval Medical Research Center (code 00L)
503 Robert Grant Ave.
Silver Spring, MD 20910

CBN/arg

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 : June 8, 2010

Patent No. :7700578
Ser. No. :12221150
Inventor(s) : Patricia Guerry-Kopecko
Issued :April 20, 2010
Title :CAPSULE COMPOSITION FOR USE AS IMMUNOGEN AGAINST
:CAMPYLOBACTER JEJUNI

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

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

A. the processing fee set forth in 37 CFR 1. 17(i) (currently $130);
B. **a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and**
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

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

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(703) 872-9306 ATTN: Office of Petitions
Electronic Filing	uspto.gov/ebc/index.html (must be registered as an e-filer to submit responses) Support 1-866-217-9197 571-272-4100

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.

For Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-154

Naval Medical Research Center (code 00L)
503 Robert Grant Ave.
Silver Spring, MD 20910

/arg

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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CADES SCHUTTE A LIMITED LIABILITY LAW PARTNERSHIP
1000 BISHOP STREET, 12TH FLOOR
HONOLULU, HI 96813

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APR 28 2009

OFFICE OF PETITIONS

In re Application of	:	
John Taylor HARGROVE, et al	:	
Application No. 12/221,267	:	DECISION ON PETITION
Filed: July 31, 2008	:	TO WITHDRAW
Attorney Docket No. PAT 08-806 US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 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 Martin Hsia on behalf of the all the attorneys of record.

All the attorneys of record have been withdrawn.

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

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

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: JOHN TAYLOR HARGROVE
1039 HOOMAIKAI STREET
HONOLULU, HI 97817

cc: STI MEDICAL SYSTEMS, LLC
IP MANAGER, SCIENCE &
TECHNOLOGY INTERNATIONAL
733 BISHOP STREET, SUITE 3100
HONOLULU, HI 96813

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1000 BISHOP STREET, 12TH FLOOR
HONOLULU, HI 96813

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DEC 3 1 2009

OFFICE OF PETITIONS

In re Application of :
John T. HARGROVE, et *al.* :
Application No. 12/221,267 :
Filed: July 31, 2008 :
Attorney Docket No. **PAT 08-806 US** :

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 October 13, 2009.

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

A review of the file record indicates that the power of attorney to **CADES SCHUTTLE A LIMITED LIABILITY LAW PARTNERSHIP** has been withdrawn by attorney Martin Hsia on February 9, 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: **JOHN TAYLOR HARGROVE**
1039 HOOMAIKAI STREET
HONOLULU, HI 97817

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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AUG 2 7 2008

OFFICE OF PETITIONS

In re Application of
MARTIN GRAHAM
Application No. 12/221,274
Filed: August 01, 2008
Attorney Docket No. **3921P016**

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 01, 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 Martin Graham, 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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Cades Schutte A Limited Liability
Law Partnership
1000 Bishop Street
12th Floor
Honolulu, HI 96813

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APR 0 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Sankar Venkataraman et al.	:	
Application No. 12/221,328	:	DECISION ON PETITION
Filed: August 1, 2008	:	TO WITHDRAW
Attorney Docket No. PAT 08-824 US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 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 Martin Hsia on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

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

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to address of the first signing inventor at the first copied address below. A courtesy copy of this decision will be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted. If an assignee has interest in an application, then compliance with 37 CFR 3.73(b) must be satisfied.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Sankar Venkataraman
1556 Piikoi Street, Apt. 1006
Honolulu, HI 96813

cc: STI Medical Systems, LLC
IP Manager, Science & Technology International
733 Bishop Street, Suite 3100
Honolulu, HI 96813

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/221,328	08/01/2008	Sankar Venkataraman	PAT 08-824 US

CONFIRMATION NO. 1137

POWER OF ATTORNEY NOTICE

55312
CADES SCHUTTE A LIMITED LIABILITY LAW PARTNERSHIP
1000 BISHOP STREET
12TH FLOOR
HONOLULU, HI 96813

OC000000035274576

Date Mailed: 04/01/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2009.

- 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.

/kainabinet/

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

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LEROY A. WINTERS
468 SEMINOLE CT.
GRANO JCT CO 81504

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OFFICE OF PETITIONS

In re Application of	:	
Winters et al.	:	
Application No. 12/221,340	:	ON PETITION
Filed: August 1, 2008	:	
Title: Sanitary Tray for Personal Objects	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 1, 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 that he is 65 years of age, and is also accompanied with a copy of applicant's Colorado birth certificate. 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 3728 for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

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JAN 08 2010

In re Application of	:	
Alderton et al.	:	
Application No. 12/221,362	:	DECISION ON PETITION
Filed: August 1, 2008	:	
Attorney Docket No: CUMMIN-P024	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 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 Nonprovisional Application (Notice), mailed August 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 October 20, 2008. A Notice of Abandonment was mailed April 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the Oath or Declaration and the $130.00 Surcharge fee; (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.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone 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

cc: Tim L. Brackett, Jr.
One Fountain Square
11911 Freedom Drive, Suite 750
Reston, VA 20190

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.
12/221,415	08/01/2008	Shuji Komoda	4041J-001500	1746

EXAMINER

7590 08/28/2009
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
08/28/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/31/2009 NFARMER 0000168638

CHECK Refund Total: $510.00

Adjustment date: 08/31/2009 NFARMER
08705/2008 HDEMESS1 00000036 12221415
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HORTISUSA
PO BOX 3109
CAMARILLO CA 93011

COPY MAILED
JAN 27 2010

In re Application of	:	
Van Rijn, Leonardus	:	
Application No. 12/221,438	:	ON PETITION
Filed: August 2, 2008	:	
Attorney Docket No. 2007-224	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 23, 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 fee, (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

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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WILLIAM M. HOBBY, III
157 E. NEW ENGLAND AVENUE, SUITE 375
WINTER PARK, FL 32789

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AUG 25 2008

In re Application of	:	
WICKS, et al.	:	
Application No. 12/221,472	:	DECISION ON PETITION
Filed: August 4, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 08-6124	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 4, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is GRANTED.

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

The instant petition includes affidavit of inventor Frederic Wicks, 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 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 3617 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EZRA SHIMSHI
P.O. BOX 421011
ATLANTA GA 30342

COPY MAILED

SEP 09 2008

In re Application of	:	
Ezra Shimshi	:	
Application No. 12/221,495	:	DECISION ON PETITION
Filed: August 4, 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 August 4, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant's passport proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106-2399

MAILED

FEB 23 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Rajiv Manohar Banavali et al :
Application No. 12/221,582 :
Filed: August 5, 2008 :
Attorney Docket No. A01933

This is a decision on the petition, filed February 19, 2009 which is being treated as a petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 22, 2009 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 1621 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NICHOLAS S. MORALES
3126 W 70 ST.
HIALEAH FL 33018

COPY MAILED

JUL 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Nicholas S. Morales	:	
Application No. 12/221,595	:	ON PETITION
Filed: August 5, 2008	:	
	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 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 Missing Parts of Nonprovisional Application 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) were 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 an oath (filed May 16, 2009); (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

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

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

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Martin E. Hsia
P.O. Box 939
Honolulu, HI 96808

MAILED

APR 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Wenjing Li, et al.	:	
Application No. 12/221,645	:	DECISION ON PETITION
Filed: August 4, 2008	:	TO WITHDRAW
Attorney Docket No. PAT 07-703 US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 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 Martin E. Hsia on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Wenjing Li**
400 Hobron Lane
Apt. 704
Honolulu, HI 96815

cc: **STI Medical Systems, LLC**
IP Manager, Science & Technology International
733 Bishop Street, Suite 3100
Honolulu, HI 96813

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/221,645	08/04/2008	Wenjing Li	PAT 07-703 US

CONFIRMATION NO. 2421

POWER OF ATTORNEY NOTICE

Martin E. Hsia
P. O. Box 939
Honolulu, HI 96808

OC000000035427499

Date Mailed: 04/09/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2009.

- 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.

/tswilliams/

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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JUN 1 1 2009

OFFICE OF PETITIONS

Bernard S. Hoffman
10 Colgate Street
Port Jefferson Station NY 11776

In re Application of	:	
Mike Thompson	:	
Application No. 12/221,735	:	DECISION ON PETITION
Filed: August 6, 2008	:	
Attorney Docket No. THOMPSON1	:	

This is a decision on the petition under 37 CFR 1.182, filed, April 14, 2009, to change the name of inventors "Mike Thompson " to – Brody Michael Howell --.

The petition is **GRANTED**.

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

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Any questions concerning this matter may be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3611 for examination in due course.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/221,735	08/06/2008	3611	515	THOMPSON1	17	1

CONFIRMATION NO. 3219

CORRECTED FILING RECEIPT

Bernard S. Hoffman
10 Colgate Street
Port Jefferson Station, NY 11776

OC000000036396027

Date Mailed: 06/10/2009

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

Applicant(s)

Brody Michael Howell, Greenwood, IN;

Power of Attorney:
Bernard Hoffman--30756

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/03/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/221,735**

Projected Publication Date: 02/11/2010

Non-Publication Request: No

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

Title

Holder for wearing by a user, slidably, replaceably, and visibly holding an ID card, and replaceably and visibly holding at least one specifically configured charm

Preliminary Class

040

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KEVIN S. LEMACK
NIELDS, LEMACK & FRAME, LLC.
176 E. MAIN STREET
SUITE #5
WESTBOROUGH, MA 01581

MAILED

OCT 02 2009

OFFICE OF PETITIONS

In re Application of	:	
A. K. Gunnar Aberg	:	
Application No. 12/221,747	:	DECISION ON PETITION
Filed: August 6, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 559P041	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 10, 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 Drivers License and a statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ella Colbert at 571-272-6741, or in her absence, the undersigned at 571-272-7099.

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 1646 for action on the merits commensurate with this decision.

David Buccei
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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RINES & RINES
24 Warren St.
CONCORD NH 03301

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JUN 22 2009
OFFICE OF PETITIONS

In re Application of :
Rodriguez :
Application No. 12/221,757 : DECISION
Filed/Deposited: 6 August, 2008 :
Attorney Docket No.: Rod :

This is a decision on the petition filed on 1 June, 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 as considered under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness and showing 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 11 September, 2008, with reply due absent extension of time on or before 11 October, 2008.

The application went abandoned after midnight 11 October, 2008.

On 18 May, 2009, the Office mailed a Notice of Abandonment.

On 1 June, 2009, Petitioner filed a petition requesting withdrawal of the holding of abandonment pursuant to 37 C.F.R. §1.181, and averred timely reply. Petitioner included therewith a copy of

the date-stamped ("OCT 15 2008") receipt card evidencing Office receipt of an amendment, replacement drawings and replacement abstract averred to be filed *via* U.S. Postal Service USPS) Express Mail (Label No. EV 816695885) on that date, and so satisfied Petitioner's burden to make a showing pursuant to 37 C.F.R. §1.181 (with narrative and documentary support) consistent with the guidance in the Commentary at MPEP 711.03(c)(I), which 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 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.[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]

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

---

[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. 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.))

> 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]

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.

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, when it is to be made and how it is to be supported.

It appears that Petitioner has satisfied the showing required.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.181 is **granted**, and the 18 May, 2009, Notice of Abandonment is **vacated**.

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.

[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).

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

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[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.

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
12/221,757	08/06/2008	Ralph A. Rodriguez	Rod

CONFIRMATION NO. 2722

FORMALITIES LETTER

41840
RINES & RINES
24 Warren St.
CONCORD, NH 03301

OC000000031979127

Date Mailed: 09/11/2008

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 must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) All.
- A replacement abstract not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) and 37 CFR 1.121 is required.

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.

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.

/hnguyen/

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
12/221,757	08/06/2008	Ralph A. Rodriguez	Rod

CONFIRMATION NO. 2722

41840
RINES & RINES
24 Warren St.
CONCORD, NH 03301

ABANDONMENT/TERMINATION LETTER

OC000000035985708

Date Mailed: 05/18/2009

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on09/11/2008.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);

2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or

3. If the reply was filed via "Express Mail," a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the "Express Mail" mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

A copy of this notice MUST be returned with the reply.

/nnguyen/

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

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NIELDS, LEMACK & FRAME, LLC
176 E. MAIN STREET
SUITE #5
WESTBOROUGH MA 01581

MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
ABERG, A. K. Gunnar et al.	:	
Application No. 12/221,780	:	DECISION ON PETITION
Filed: August 06, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **559P042**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 26, 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 A. K. Gunnar Aberg attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

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

The application is being forwarded to the Technology Center Art Unit 1614 for action on the merits commensurate with this decision.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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P.O. Box 1450
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Thomas L. McDaniel
Tag Products, LLC
106 Church St.
Cordova AL 35550

MAILED

JUL 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas L. McDaniel et al.	:	
Application No. 12/221,784	:	DECISION ON PETITION
Filed: August 7, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 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 by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ron Abelson at 571-272-3165 or 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 3644 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Richard M. Rosati, Esq.
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

Mail Date: 04/21/2010

Applicant	: Masato Miyata	: DECISION ON REQUEST FOR
Patent Number	: 7656590	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/221,798	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/05/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **3** 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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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of
Ravi Pillarisetty et al.
Application No. 12/221,802
Filed: August 6, 2008
Attorney Docket No. P27357

: ON PETITION

This is a decision on the petition filed March 3, 2009 under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of August 6, 2008. The petition is treated under 37 CFR 1.182.

The petition is **DISMISSED AS INAPPROPRIATE**.

After the application was filed and a filing date accorded, the Office of Data Management mailed a "Notice of Omitted Items" on August 26, 2008, stating that while the application had been accorded a filing date, that Figure 5 described in the specification, appeared to have been omitted. In response to the Notice, petitioner files a copy of the omitted drawings containing Figure 5, a substitute specification and a four month extension of time.

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)). Finally, the third option provided is to accept the filing date which has been accorded with the papers filed upon application. With option 3) however, no petition under 37 CFR 1.182 is necessary for that purpose.

In this case, a replacement sheet of drawings containing Figure 5 and a Substitute Specification have been provided.

However, the notice that was sent to the applicant required a substitute specification for the option that applicant chose. Applicant effectively chose option III.A. of the notice. Note that III.A.2. requires "a substitute specification excluding claims that amends the specification to cancel any references to any omitted drawing(s) and..., and a statement that the substitute specification includes no new matter..."

In view of the above, petitioner should submit the "statement" within TWO (2) MONTHS of the mailing date of this decision. The period set for reply is non-extendable.

This matter will be referred to the Office of Patent Application Processing to await petitioner's submission of the Substitute Specification and Statement regarding new matter, wherein the Office of Patent Application Processing will continue processing the application with the originally accorded filing date of August 6, 2008. If no reply is received within the two (2) month period, the application will become abandoned for failure to file a proper reply to the Notice of Omitted Items mailed August 26, 2008.

Finally, since the filing of a petition is unnecessary, for the reasons stated above, the petition fee is likewise unnecessary and will be credited back to petitioner's deposit account no. 50-0221.

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

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

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

Telephone inquiries concerning this 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

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United States Patent and Trademark Office
P.O. Box 1450
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c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

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SEP 03 2009

OFFICE OF PETITIONS

In re Application of	:
Ravi Pillarisetty et al.	:
Application No. 12/221,802	: ON PETITION
Filed: August 6, 2008	:
Attorney Docket No. P27357	:

This is a decision on the petition filed August 24, 2009 under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on June 2, 2009 for failure to file a timely response to the petition on decision mailed March 31, 2009, which set a two month reply period for submitting a statement under 37 CFR 1.182. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed July 17, 2009.

Petitioner asserts that a proper response, was filed on June 1, 2009 as May 31, 2009 was a Sunday. In support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of mail dated June 1, 2009, pursuant to 37 CFR 1.8.

The evidence submitted corroborates a timely response to the petition on decision. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee Is due and none has been charged.

This matter is being referred to the Office of Patent Application Processing for treatment of the response filed June 1, 2009 and for further pre-examination processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JIAN CHEN
1200 PINE ST
PALO ALTO, CA 94301

MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of :
David Sun, et al. :
Application No. 12/221,803 :
Filed: August 6, 2008 :
Attorney Docket No. 8002/1000US :

ON PETITION

This is a decision on the petition, filed May 27, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

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

The application was held abandoned for a failure to timely reply to the Notice to File Corrected Application Papers (Notice) mailed September 11, 2008. A Notice of Abandonment was mailed on May 18, 2009.

Petitioner asserts that upon a search of Applicant's records, including any file jacket or the equivalent, and the application contents, there is no indication that the Notice of September 11, 2008 was received. In support, petitioner submits a copy of a page from the individual docket record for the application.

A review of the written record indicates no irregularity in the mailing of the Notice on September 11, 2008, 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.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of

the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar, reminder system, or the individual docket record for the application in question.

The instant petition does not establish non-receipt of the Notice in compliance with the procedures set for at MPEP 711.03(c). Specifically, the petition fails to included a master docket or describe the system used for recording all Office actions received at the correspondence address of record.

Absent the required evidence to establish non-receipt of the Notice of September 11, 2008, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

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 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[1]

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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JIAN CHEN
1200 PINE ST
PALO ALTO, CA 94301

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OFFICE OF PETITIONS

In re Application of
David Sun, et al.
Application No. 12/221,803
Filed: August 6, 2008
Attorney Docket No. 8002/1000US

ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed September 11, 2008, requiring replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). 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 November 11, 2008. A Notice of Abandonment was mailed on May 18, 2009.

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

The application is being referred to the Office of Patent Application Processing (OPAP) for review of the drawings provided July 25, 2009.

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

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In re Application of
John S. Kukora

Application No. 12221814

Filed: August 7,2008

Attorney Docket No. 62178.00003

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 08-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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CHERNOFF VILHAUER MCCLUNG & STENZEL
1600 ODS TOWER
601 SW SECOND AVENUE
PORTLAND OR 97204-3157

COPY MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Campbell, et al.	:	
Application No. 12/221,828	:	DECISION ACCORDING STATUS
Filed: August 7, 2008	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 1016.2092	:	

This is in response to the petition under 37 CFR 1.47(a), filed March 3, 2009.

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

On petition, petitioner has established that inventor Campbell refused to sign the declaration after having been presented with the application papers. Specifically, a copy of the application papers was forwarded to Sanchez on November 21, 2008. However, as of the date of the petition, no executed declaration from Campbell has been received.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RICHARD L CAMPBELL
4105 NW CARLTON CT
PORTLAND OR 97229

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of
Campbell, et al.
Application No. 12/221,828
Filed: August 7, 2008
Title: Differential Waveguide Probe

LETTER

Dear Mr. Campbell:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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CALIF KIP TERVO
6387 CAMINITO LAZARO
SAN DIEGO, CA 92111

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of
Young Kook Cho
Application No. 12/221,861
Filed: August 7, 2008
Attorney Docket No. CHOH-7

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
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
12/221,861	08/07/2008	Young Kook Cho	CHOH-7

CONFIRMATION NO. 3585

POWER OF ATTORNEY NOTICE

31560
CALIF KIP TERVO
6387 CAMINITO LAZARO
SAN DIEGO, CA 92111

OC000000041959595

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

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

MAILED

JUL 3 1 2009

OFFICE OF PETITIONS

Applicant: Chunming Qi
Appl. No.: 12/221,914
Filing Date: August 7, 2008
Title: ANODE EXHAUST RECYCLE SYSTEM
Attorney Docket No.: 4133.1003-001
Pub. No.: US 2009/0047557 A1
Pub. Date: February 19, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 30 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 and address of the assignee is missing.

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

The error on the front page of the publication wherein the assignee's names is missing may be an Office error, but it is not a material Office error under 37 CFR 1.221. Applicant should not file requests for corrected publication when a publication includes errors in assignment information or missing assignment information. See MPEP 1130. An error in assignment information 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).

On August 28, 2008 and November 10, 2008, Filing Receipts were mailed by the Office, which did not list the assignee information. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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

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

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 27 2008

OFFICE OF PETITIONS

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

In re Application of	:	
Babikian, et al.	:	
Application No. 12/221,918	:	DECISION GRANTING PETITION
Filed: August 6, 2008	:	
Attorney Docket No. 61319/B603	:	

This is a decision on the petition filed October 9, 2008, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of August 6, 2008, rather than the presently accorded filing date of August 8, 2008.

Petitioner alleges that the application was deposited with the Express Mail Service on August 6, 2008 In support of the allegation, the petition is accompanied by a copy of the Express Mail tracking sheet with a tracking number EV822348240US showing a the package was deposited with the United States Postal Service on August 6, 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 August 6, 2008.

In view of the above, the petition is granted. The new filing date for the above-cited application is August 6, 2008.

The Office of Patent Application Processing will further process the application with a filing date of August 6, 2008, and issue a corrected filing receipt.

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

K. A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 30 2010

OFFICE OF PETITIONS

NORMAN E. LEHRER, P.C.
1205 NORTH KINGS HIGHWAY
CHERRY HILL NJ 08034

In re Application of	:	
John R. Walch	:	
Application No. 12/221,962	:	DECISION ON PETITION
Filed: August 8, 2008	:	TO WITHDRAW
Attorney Docket No. 6758	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

The request was signed by Vanitha M. Elgart, former attorney/agent associated with customer number 34678. Vanitha M. Elgart has been withdrawn. All other attorneys/agents will remain of record.

The correspondence address will remain the same until further notified by applicant.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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SEP 21 2009

OFFICE OF PETITIONS

PATENT LAW & VENTURE GROUP
2424 S.E. BRISTOL, SUITE 300
NEWPORT BEACH CA 92660

In re Application of	:	
Dumitru Bojiuc	:	
Application No. 12/221,994	:	ON PETITION
Filed: August 8, 2008	:	
Attorney Docket No. Bojiuc.D-05C	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 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 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 November 10, 2008. The Notice of Abandonment was mailed May 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (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 of Patent Application Processing for further processing.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

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NOV 19 2008

OFFICE OF PETITIONS

In re Application of :
Erika Koishi :
Application No. 12/222,026 : DECISION ON PETITION
Filed: July 31, 2008 :
Attorney Docket No. 137959 :

This is a decision on the petition under 37 CFR 1.182, filed July 31, 2008, to change the inventor's name from "Erika Kanematsu" to – Erika Koishi --.

The petition is **DISMISSED AS MOOT**.

A review of the record shows that the name change occurred prior to the filing date of the present application and that Official Filing Receipt mailed on August 29, 2008 includes the correct name of the inventor.

In view of the above, the petition is unnecessary and the $400 petition fee is being credited to counsel's deposit account.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2622 for examination in due course.

Sherry D. Brinkley
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.
12/222,036	07/31/2008	Takami Hikita	71450.0164	9071

57362 7590 06/21/2010
AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

EXAMINER
PENG, CHARLIE YU

ART UNIT	PAPER NUMBER
2883	

MAIL DATE	DELIVERY MODE
06/21/2010	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.

AKERMAN SENTERFITT
8100 Boone Boulevard
Suite 700
Vienna, VA 22182-2683

In re Application of: Takami Hikita et al. Serial No.: 12/222,036 Filed: 31 July 2008 Attorney Docket No.: 71450.0164	:::: :	DECISION ON PETITION FOR ACCEPTANCE OF COLOR PHOTOGRAPHS UNDER 37 CFR 1.84(b)(2)

This is a decision on the petition, filed 31 July 2008, to accept color photographs under 37 CFR 1.84(b)(2) .

The petition is **GRANTED**.

The petition complies with the conditions for a grantable petition under 37 CFR 1.84(b)(2).

The petition includes an appropriate and acceptable explanation regarding why the color photographs are necessary, the required petition fee, three sets of color photographs for figures 5-6, and the specification has been amended by the preliminary filed on 31 July 2008 to include the required paragraph in the brief description of the drawings.

Accordingly, figures 5-6 are hereby accepted as formal drawings in color in the above-referenced application.

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-2319.

Mark A. Robinson, Supervisory Patent Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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ROBERT E. BUSHNELL
1522 K STREET NW
SUITE 300
WASHINGTON DC 20005-1202

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OCT 01 2008

OFFICE OF PETITIONS

In re Application of	:	
Hur, et al.	:	
Application No. 12/222,046	:	DECISION
Filed/Deposited: 31 July, 2008	:	
Attorney Docket No. P58616	:	

This is a decision on the petition filed on 26 August, 2008, seeking a filing date of 31 July, 2008, for drawing FIGS 3 and 4 described in the specification, and properly considered under 37 C.F.R. §1.53.

The Office regrets the delay in addressing the matter—the petition was presented to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 31 July, 2008.

On 18 August, 2008, the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items as to drawing FIGS, 3 and 4 described in the specification as deposited—thus, the application had been accorded a filing date but without those drawings.

OPAP indicated that Petitioner might, *inter alia*:

- contend via petition that the drawings were present upon deposit, and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the drawings; or
- submit a copy of the drawings and accept the date of that submission as the filing date; or
- accept the application as deposited..

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

On 26 August, 2008, Petitioner filed, *inter alia*, copies of the drawings (2 sheets, FIGS 1 -4) averred to have been present on deposit of the application and a copy of a date-stamped ("JUL 31 2008") receipt card.

ANALYSIS

A search of the official file reveals that:

- on31 July, 2008, Petitioner deposited the instant application;
- the Office record reflects that on deposit the application did not include drawing FIGS. 3 and 4 described in the specification, and so the application accorded a filing date without those drawings;
- on 26 August, 2008, Petitioner submitted a petition, a copy of the drawings FIGS 1-4 described in the specification averred to have been submitted on deposit and included therewith was is averred to be a true copy of the date-stamped ("JUL 31 2008") receipt card and the document recites therein in pertinent part:

***

FORMAL DRAWINGS (Figs. 1-4) .. 2 sheets

***

(Emphasis supplied)

Because Petitioner's receipt card adequately itemized the contents of the application as to the elements deposited, it is concluded that the application, including 29 pages of specification (description, abstract), and 2 sheets of drawings described in the specification, was deposited with the Office on 31 July, 2008, and the drawing FIGS 3 and 4 described in the specification subsequently were misplaced in the Office.

Accordingly, the application, including the 29 pages of specification (description, claims, abstract) and 2 sheets of drawings—including FIGS 3 and 4—described in the specification, is entitled to a filing date of 31 July, 2008.

The Notice mailed on 18 August, 2008, was sent in error to the extent that it reflected the omission of the drawings FIGS. 3 and 4 is hereby **vacated** to the extent that it stated that the application was accorded a filing date without drawings FIGS. 3 and 4.

CONCLUSION

The petition is **granted**; the petition fee waived and refunded to Deposit Account 02-4943—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 6 June, 2008, for the entire application including 29 pages of specification (description, claims, abstract), and 2 sheets of drawings, FIGS. 1-4, described in the specification using:

- **29 pages of specification (description, claims, abstract) and one sheet of drawings, FIGS. 1 and 2 described in the specification, deposited on 31 July, 2008; and**
- **the one sheet of drawings FIGS. 3 and 4 described in the specification, and deposited on 26 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 31 July, 2008, and reflecting therein that 29 pages of specification (description, abstract) and 2 sheets of drawings FIGS. 1-4 described in the specification were present on filing.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[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/Caller'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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,111	08/01/2008	Tae-Kyoung Kang	302/124	1042

7590 11/04/2009

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Niomi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/05/2009 0030076435

Credit Card Refund Total: $510.00

AM Exp...: XXXXXXXXXXX1003

Adjustment date: 11/05/2009 NFARMER
08/04/2008 ADEMESS1 00000044 12222111
03 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,116	08/01/2008	Jeong Su Han	1594.1819	1040

7590 07/15/2010

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
UNDERWOOD, JARREAS C

ART UNIT	PAPER NUMBER
2877	

MAIL DATE	DELIVERY MODE
07/15/2010	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

[illegible]

Adjustment date: 07/15/2010 NFARMER
[illegible] 12222116
[illegible] FC:1111 -[illegible] CP
[illegible] FC:1201 -[illegible] CP
[illegible] FC:1202 -[illegible] CP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,144	08/04/2008	Koichi Kitamura	500.42585VX1	2010

7590 04/22/2010
MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER
MANSFIELD, THOMAS L

ART UNIT	PAPER NUMBER
3624	

MAIL DATE	DELIVERY MODE
04/22/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Rev
04/22/2010 0030082763

Credit Card Refund Total: $510.00

Adjustment Date: 04/22/2010 NFARMER
08/06/2008 MAHMEDI 02300010 12222144
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,156	08/04/2008	Eun-Young Jung	302/101	1672

7590 10/31/2009
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
10/31/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/02/2009 0030376248

Credit Card Refund Total: $510.00

Am Exp..: XXXXXXXXXXX1003

Adjustment date: 11/02/2009 MFARMER
08/06/2008 MAHMED1 00000045 12222156
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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,170	08/04/2008	Makoto FUJIMORI	137952	1723

7590 06/23/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KAMEN, NOAH P

ART UNIT	PAPER NUMBER
3741	

NOTIFICATION DATE	DELIVERY MODE
06/23/2010	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

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Alexandria, VA 22313-1450
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SHLESINGER, ARKWRIGHT & GARVEY LLP
5845 RICHMOND HIGHWAY, SUITE 415
ALEXANDRIA, VA 22303

COPY MAILED

DEC 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Carlton L. REEVES	:	
Application No. 12/222,284	:	DECISION GRANTING PETITION
Filed: August 6, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **7669**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 28, 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 November 6, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3765 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LITMAN LAW OFFICES, LTD.
P.O. BOX15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215-0035

COPY MAILED

SEP 2 5 2008

In re Application of	:	
Belzoria T. WHITE, et al	:	
Application No. 12/222,299	:	DECISION ON PETITION
Filed: August 6, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 23674.00	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 6, 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 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 3732 for action on the merits commensurate with this decision.

Diane Goodwyn
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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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

RECEIVED

DEC 19 2008

OFFICE OF PETITIONS

In re Application of
Kaneko, et al.
Application No. 12/222,324
Filed: August 7, 2008
Attorney Docket No. 6164-000224/US

: DECISION NOTING JOINDER OF
: INVENTOR AND PETITION
: UNDER 37 CFR 1.47(a)

This decision is in response to the petition under 37 CFR 1.47, filed October 28, 2008 and supplemented November 26, 2008.

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).

A one month extension of time is required ($130.00). The petition fee has not been assessed as the petition was withdraw prior to rendering of a decision. Nevertheless, the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed August 28, 2008 set a two month shortened statutory period of time for reply, making a reply due on or before October 28, 2008. A proper reply to the Notice in the form of an executed declaration was not submitted until November 26, 2008. Accordingly, the required one month extension of time has been charged to petitioners' deposit account as authorized.

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

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

Alesia M .Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Yang Chih Chang	: DECISION ON REQUEST FOR
Patent Number	: 7591047	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/222,335	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/07/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,362	08/07/2008	Mamoru Tateishi	138026	2995

7590 02/24/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
GIMIE, MAHMOUD

ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
02/24/2010	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

Deposit Key: 02/24/2010 NFARMER [illegible]
DAA:153431 Name/Number:12222362
[illegible] 8510.00 CR

Adjustment date: 02/24/2010 NFARMER
08/08/2008 HDEMESS1 00000039 12222362
02 FC:1111 -513.00 CR

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,376	08/07/2008	Kenji Awamoto	2052.1009	3229

7590 01/13/2010

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
01/13/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,492	08/11/2008	Tatsuji Enoki	ENOKI 1C	4163

1444 7590 10/21/2009
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

EXAMINER

ART UNIT	PAPER NUMBER
1623	

MAIL DATE	DELIVERY MODE
10/21/2009	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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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

Applicant: Enoki et al.
Appl. No.: 12/222,492
Filing Date: August 11, 2008
Title: DRUGS, FOODS OR DRINKS WITH THE USE OF ALGAE-DERIVED PHYSIOLOGICALLY ACTIVE SUBSTANCES
Attorney Docket No.: ENOKI 1C
Pub. No.: US 2009/0099101 A1
Pub. Date: April 16, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 19, 2009, for the above-identified application.

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

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

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz

Office of Data Management
United States Patent & Trademark Office

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Adjustment date: 10/23/2009  KKING1
10/20/2009 INTEFSW  00001887 12222492
01 FC:1504                        -300.00 OP


Refund Ref:
10/23/2009            0030075895
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Credit Card Refund Total:      $300.00

Am Exp..: XXXXXXXXXXX1004
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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.
12/222,496	08/11/2008	Jung-Suk Song	302/128	4155

7590 11/04/2009

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER	
ART UNIT	PAPER NUMBER
2879	
MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/05/2009 3323376433

Credit Card Refund Total: $510.00

Adjustment date: 11/05/2009 NFARMER
08/12/2008 DEMMANOI 00000054 12222496
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

MAILED

OCT 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Takayoshi Honda, et al.	:	
Application No. 12/222,556	:	DECISION GRANTING PETITION
Filed: August 12, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 01-1735	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 30, 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 September 9, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2833 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

/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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P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215-0035

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OCT 01 2008

OFFICE OF PETITIONS

In re Application of	:	
Terrance M. HARWIN	:	
Application No. 12/222,659	:	DECISION ON PETITION
Filed: August 13, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 29712.00	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 13, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a 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 3637 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

1 0 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
NAKAJIMA	:	
Application No.: 12/222,667	:	DECISION ON PETITION
Filing Date: 13 August 2008	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 1789.1057	:	
For: CURRENT TRANSFORMER AND ELECTRIC	:	
ENERGY METER	:	

This decision is in response to applicant's "Petition For Revival of an International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 13 August 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 November 2006, applicant filed international application PCT/US06/42960 which claimed priority of an earlier application filed 09 November 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 09 May 2008.

On 09 May 2008, the application became abandoned for failure to pay the basic national fee for a U.S. national stage entry application.

On 13 August 2008, applicant filed the present petition to revive pursuant to 37 CFR 1.137(b) accompanied by the above captioned continuation application.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has supplied the proper reply in the form of the filing of a continuation application.

As to item (2), applicant provided payment of the petition fee for a petition under 37 CFR 1.137(b).

Regarding item (3), applicant's statement that, "The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." satisfies this element.

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

Applicant's petition to revive for the purposes of continuity only is **GRANTED**.

International application PCT/US06/42960 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 continuation application 12/222,667.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/11/2010

Applicant	: Wen-Ching Shih	: DECISION ON REQUEST FOR
Patent Number	: 7615910	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/222,675	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/14/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 14 2009

OFFICE OF PETITIONS

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

In re Application of	:	
Muneharu Kuwata et al.	:	
Application No. 12/222,732	:	ON PETITION
Filed: August 14, 2008	:	
Attorney Docket No. 1190-0705PUS1	:	

This is a decision on the petition filed October 9, 2008, which is being treated as a petition under 37 CFR 1.53(e), contending the omitted claims were in fact deposited in the USPTO with the non-provisional application papers.

The petition is **GRANTED**.

A Notice Of Omitted Item(s) In A Nonprovisional Application was mailed September 22, 2008 indicating that page 74 of the specification was missing. Page 74 of the specification contained claims 11-15. Petitioner contends that all six pages of claims (including page 74) were filed on August 14, 2008 as acknowledged in the new application post card receipt, a copy of which is included with the petition. This receipt acknowledges six (6) pages of claims.

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 page 74 was present in the application at the time of filing. The petition includes the missing page 74 of the specification.

The $400 petition fee has been refunded to petitioner's deposit account.

Any questions concerning this decision should be directed to Carl Friedman at (571) 272-6842.

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 August 14, 2008.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 30 2010

OFFICE OF PETITIONS

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
Dhindsa, Rajinder	:	
Application No. 12/222,778	:	ON PETITION
Filed: January 22, 1010	:	
Attorney Docket No. 1015292-000208	:	

This is a decision on the petition, filed January 22, 2010, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice to File Corrected Application Papers (Notice), mailed September 4, 2008, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before November 4, 2008. A Notice of Abandonment was mailed on May 13, 2009.

Petitioner states that a timely reply was received by the USPTO on October 6, 2008, which included the following papers: Transmittal Letter for Corrected Application Papers, including a Clean Copy of Substitute Specification, a Marked-Up Copy of Substitute Specification and an Information Disclosure Statement. Petitioner has submitted a copy of the previously mailed correspondence, along with a copy of the return postcard, which acknowledges receipt by the USPTO on October 6, 2008.

A review of the application file reveals that the reply acknowledged as having been received on October 6, 2008 is in fact in the application. Accordingly, the holding of abandonment is hereby withdrawn and the application is restored to pending status.

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

Liana Walsh
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,782	08/15/2008	Tetsuya Ishiguro	060626.00052	5930

32294 7590 06/03/2010
SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

EXAMINER
KWON, JOHN

ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
06/03/2010	ELECTRONIC

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

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

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

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SWHITNEY@SSD.COM

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8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA VA 22182-6212

In re Application of	:	
ISHIGURO, TETSUYA et al	:	DECISION ON REQUEST TO
Application No. 12/222,782	:	PARTICIPATE IN PATENT
Filed: Aug. 15, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 060626.00052	:	PROGRAM AND PETITION
For: CONTROL FOR DETERMINING A FIRING TIMING OF AN INTERNAL-COMBUSTION ENGINE	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 1, 2010, to make the above-identified application special.

The request and petition are Dismissed.

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

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

The request to participate in the PPH program and petition met all conditions except Items #3 above. The applicant failed to include an amendment to cancel the unexamined and unsearched new claims 1-24 by JPO. Currently, there is no formal amendment to cancel claims 1-24. In order to participate in PPH program between the JPO and USPTO, an amendment to cancel these unexamined and unsearched claims 1-24 is required. It must be noted the newly added three sets of claims 1-24 contain a scope totally different from the searched, examined and allowed claims 25-28 by JPO. Newly added claims 1-24 are not sufficiently correspond to the allowable or patentable claims 25-28 in the JPO application.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

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

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

Petition is **dismissed**.

/Henry C. Yuen/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,782	08/15/2008	Tetsuya Ishiguro	060626.00052	5930

32294 7590 06/29/2010
SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

EXAMINER
KWON, JOHN

ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
06/29/2010	ELECTRONIC

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14TH FLOOR
VIENNA VA 22182-6212

In re Application of	:	
ISHIGURO, TETSUYA et al	:	DECISION ON REQUEST TO
Application No. 12/222,782	:	PARTICIPATE IN PATENT
Filed: Aug. 15, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 060626.00052	:	PROGRAM AND PETITION
For: CONTROL FOR DETERMINING A FIRING TIMING OF AN INTERNAL-COMBUSTION ENGINE	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 25, 2010, to make the above-identified application special.

The request and petition are Dismissed.

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

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

In the previous decision, the applicant was informed that the request to participate in the PPH program and petition fail to include Items 2 and 3. In this renewed petition, the applicant argues that the JPO allowed claims 1-3 are sufficiently correspond to the added claims 1, 3-4, 8, 10-11, 15, 17-18 and 23-24. Claims 2, 5-7, 9, 12-14, 16, 19-21 have been cancelled. The applicant also submitted a detail chart to show how and why the claims 1-3 allowed by the JPO are substantially same as the current claims 1, 3-4, 8, 10-11, 15, 17-18 and 23-28 in this application. However, the scope of the current pending claims 1, 3-4, 8, 10-11, 15, 17-18 and 23-24 were never examined, searched and allowed by JPO. Therefore, the current new claims 1, 3-4, 8, 10-11, 15, 17-18 and 23-24 are no the same as the JPO allowed claims 1-3. Claims 1, 3-4, 8, 10-11, 15, 17-18 and 23-24 are simply not sufficiently correspond to the allowable/patentable claims 1-3 in the JPO application. For example, the term "computer readable medium" is nowhere to be found in the JPO claim 1-3. The claimed active method steps in claims 8, 10, 11 are not the same as the JPO allowed claims 1-3. Since the applicant failed to correct this noted deficiency by cancelling claims 1, 3-4, 8, 10-11, 15, 17-18 and 23-24 within thirty days or one month from the earlier decision mailed on June 3, 2010, the renewed petition to participate the Patent Prosecution Highway (PPH) program under 37 CFR 1.102(d) cannot be granted.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. The application is being forwarded to the examiner for action on the merits commensurate with this decision. The application will await action in its regular turn.

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

Petition is **dismissed**.

/Henry C. Yuen/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,782	08/15/2008	Tetsuya Ishiguro	060626.00052	5930

32294 7590 07/07/2010
SQUIRE, SANDERS & DEMPSEY L.L.P.
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EXAMINER
KWON, JOHN

ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
07/07/2010	ELECTRONIC

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VIENNA VA 22182-6212

In re Application of	:	
ISHIGURO, TETSUYA et al	:	DECISION ON REQUEST TO
Application No. 12/222,782	:	PARTICIPATE IN PATENT
Filed: Aug. 15, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 060626.00052	:	PROGRAM AND PETITION
For: CONTROL FOR DETERMINING A FIRING TIMING OF AN INTERNAL-COMBUSTION ENGINE	:	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 July 2, 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 all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Mr. Steve Cronin, the SPE of Art Unit 3747, and 571-272-4536 for Class 701/102 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

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WASHINGTON, DC 20005

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JUL 06 2010

OFFICE OF PETITIONS

In re Application of Han et al. :
Application No. 12/222,795 : Decision on Petition
Filing Date: August 15, 2008 :
Attorney Docket No. 1349.1558C :

This is a decision on the petition under 37 CFR 1.181 filed February 25, 2010, and supplemented June 3, 2010, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

The Office mailed a final Office action on June 24, 2009, which set a three-month shortened statutory period for reply.

The Office's electronic file folder for the instant application includes a request for continued examination ("RCE"), a request for a three-month extension, and an amendment filed December 24, 2009.

The Office mailed a Notice of Abandonment on January 5, 2010. The notice stated the application was abandoned because a reply was not received in response to the June 24, 2009 Office action.

Since the Office's file folder for the application includes a reply filed December 24, 2009, a reply was clearly filed in response to the June 24, 2009 Office action. Therefore, the Notice of Abandonment and the holding of abandonment are withdrawn.

Technology Center Art Unit 1797 will be informed of the instant decision and the application, including the RCE and amendment filed December 24, 2009, will be further examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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CHATER ROAD, CENTRAL
HONG KONG HK HONG KONG

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OFFICE OF PETITIONS

In re Application of :
Kin-tak Lau et al. :
Application No. 12/222,827 : DECISION ON PETITION
Filed: August 18, 2008 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 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 (Notice), mailed September 11, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 12, 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 $810.00; and (3) a proper statement of unintentional delay.

Petitioner should note that 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.

Also, the statement under 37 CFR 3.73(b) that accompanied the revocation of previous powers of attorney and the appointment of new powers of attorney filed June 17, 2009 provided copies of assignment documents that established a chain of title from the inventors to The Hong Kong Polytechnic University. However, the statement erroneously referred to the recordation in the

USPTO, rather than the chain of title, and omitted the required 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 37 CFR 3.11. See 37 CFR 3.73(b)(1)(i). In order to complete the change in power of attorney, this omission must be corrected by submitting a true copy of the original assignment documents to Assignment Division for recordation of the records in the USPTO. See MPEP 302.08.

Any questions concerning this matter may be directed to Christopher Bottorff at (571) 272-6692.

This application is being referred to the Office Patent Application Processing.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re Application of	:
Scheffknecht, et al.	:
Application No.: 12/222,993	: ON PETITION
Filed: August 21, 2008	:
Attorney Docket No: 2008_1360A	:

This is a decision on the "Petition in Reply to Notice of Incomplete Non-Provisional Application" filed November 5, 2008, requesting that the above-identified application be accorded a filing date of August 21, 2008, with the specification included as part of the original application papers.

The petition is **granted**.

The subject application was filed on August 21, 2008. A Notice of Incomplete Non-Provisional Application was mailed on September 15, 2008, indicating that the application had not been accorded a filing date because a specification and at least one claim was missing from the application papers. The instant petition was filed on November 5, 2008, requesting a filing date of August 21, 2008, and indicating that a specification was present on that date.

It is noted that subject application is a continuation of PCT/AT2007/000093. A copy of the specification of application PCT/AT2007/000093 was filed with the application papers on August 21, 2008, but identified in the Image File Wrapper as a foreign reference. Assuming that all other formalities under 37 CFR 1.53(b) are in order, the application is entitled to a filing date of August 21, 2008, as a specification and at least one claim was present on that date.

The petition fee of $400.00 will be refunded, accordingly.

The application file is being directed to the Office of Patent Application Processing for further processing with a filing date of August 21, 2008, including the specification filed on that date. A corrected filing receipt will also be issued.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,994	08/21/2008	Wataru Watanabe	2008_1258A	7929

513 7590 07/07/2010
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER
PATEL, SHEFALI DILIP

ART UNIT	PAPER NUMBER
3767	

NOTIFICATION DATE	DELIVERY MODE
07/07/2010	ELECTRONIC

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

ddalecki@wenderoth.com
eoa@wenderoth.com

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re Application of:	DECISION ON REQUEST TO
WATANABE, WATARU et al	PARTICIPATE IN PATENT
Serial No.: 12/222,994	PROSECUTION HIGHWAY
Filed: Aug. 21, 2008	(PPH) AND PETITION TO
Docket: 2008_1258A	MAKE SPECIAL UNDER 37
Title: DRUG SHEET	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 1, 2010, to make the above-identified application special.

The request and petition are GRANTED.

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

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

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Kevin Sermons, the SPE of Art Unit 3767, and 571-272-4965 for Class 604/174 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

3 1 JUL 2009

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Thomas M. Galgano
20 W. Park Avenue
Suite 204
Long Beach NY 11561

In re Application of	:	
GOODALL, Peter Robert	:	
U.S. Application No.: 12/223,210	:	
PCT No.: PCT/GB2007/000213	:	
Int. Filing Date: 24 January 2007	:	DECISION
Priority Date: 26 January 2006	:	
Attorney Docket No.: 1182-68	:	
For: FLYING WIND ENERGY	:	
CONVERSION APPARATUS	:	

This decision is in response to applicant's petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 03 June 2009.

BACKGROUND

On 25 July 2008 and 28 July 2008, applicant filed two sets of paperwork for the national phase entry of PCT/GB2007/000213, being assigned application nos. 12/223,210 and 12/223,329, respectively. Application 12/223,210 is the national phase.

On 03 June 2009, applicant filed this petition to merge the two application files.

DISCUSSION

Applicant has submitted multiple sets of papers for the national stage entry of international application number PCT/GB2007/000213. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of multiple sets of national stage papers to enter the United States is improper. Accordingly, 12/223,210 and 12/223,329 have been consolidated into a single application.

All future correspondence in regards to the national phase of PCT/GB2007/000213 should use 12/223,210.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.181 to consolidate the national phase filings for PCT/GB2007/000213, into a single application is **GRANTED**.

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

This application is being referred to the National Stage Processing Division of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/223,258		Hyuk Yoon	29137.321.00-US	6124

30827 7590 09/21/2009
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
09/21/2009	PAPER

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, N.W.
WASHINGTON, DC 20006
UNITED STATES

In re Application of	
Hyuk YOON	**: DECISION ON REQUEST TO**
Application No.: 12/223,258	**: PARTICIPATE IN THE PATENT**
Filed: 26 February 2007	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 29137.321.00-US	**: PROGRAM AND PETITION**
For: VERY THIN ACHROMATIC QUARTER WAVE FILM LAMINATE FOR TRANSFLECTIVE LCD AND METHOD FOR PRODUCING THE SAME	**: 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 02 September 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) 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 under 35 U.S.C. 365(b) to an application filed in the KIPO, or

ii. validly claims priority under 35 U.S.C. 365(b) 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 under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) 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 KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that 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 KR application(s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);
7. A required petition fee under 37 CFR 1.17(h).

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

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

Regarding requirement 3, Petitioner has not amended the claims of the U.S. application to sufficiently correspond to the allowable/patentable claims in the Korean application 10-2007-0018985. Claim 3 of the U.S. application recites "a diameter of 1 to 5/M" in line 2 while the

corresponding claim 3 of the stated Korean application recites "a diameter of 1 to 5 μm" in line 3 and the difference thereof differs in scope. Claim 7 of the U.S. application recites "a thickness of 1 to 1.5/M" in line 3 while the corresponding claim 7 of the stated Korean application recites "a thickness of 1 to 1.5 μm" in line 3 and the difference thereof differs in scope. Claim 8 of the U.S. application recites "a thickness of 1.6 to 2.3/M" in line 3 while the corresponding claim 8 of the stated Korean application recites "a thickness of 1.6 to 2.3 μm" and the difference thereof differs in scope. Claim 10 of the U.S. application recites "wherein one selected from the lower liquid crystal layer and the upper liquid crystal layer is formed of a ¼ wavelength phase difference film, and the other is formed of a ½ wavelength phase difference film" in lines 8-10 while the corresponding claim 10 of the stated Korean application recites "wherein one selected from the lower phase difference film and the upper phase difference film is a ¼ wavelength phase difference film and the other is a ½ wavelength phase difference film" in lines 15-17 and the difference thereof differs in scope..

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.REQUEST. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/223,258	07/25/2008	Hyuk Yoon	29137.321.00-US	6124

30827 7590 01/12/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
01/12/2010	PAPER

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

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

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, N.W.
WASHINGTON, DC 20006
UNITED STATES

In re Application of
Hyuk YOON
Application No.: 12/223,258
Filed: 26 February 2007
Attorney Docket No.: 29137.321.00-US
For: VERY THIN ACHROMATIC QUARTER WAVE FILM LAMINATE FOR TRANSFLECTIVE LCD AND METHOD FOR 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 02 September 2009, to make the above-identified application special.

In light of the amendment filed 10/05/09, 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 KIPO, 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 KIPO, 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 KIPO, 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 KIPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <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 KIPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

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

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

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Darren Schuberg
TQAS-Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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KUSNER & JAFFE
HIGHLAND PLACE SUITE 310
6151 WILSON MILLS ROAD
HIGHLAND HEIGHTS OH 44143

Applicant: Thomas Koslowski
Appl. No.: 12/223,292
International Filing Date: October 31, 2006
Title: CONSTRUCTION BOARD
Attorney Docket No.: BE9714WO(US)
Pub. No.: US 2009/0038248 A1
Pub. Date: February 12, 2009

COPY MAILED
NOV 03 2009
OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 25, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the foreign application priority data was not published correctly.

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

The error on the front page of the publication wherein the foreign application priority data GERMANY 10 2006 005 899.2 is misprinted as GERMANY 10 2006 005 889.2 may be Office error, but is not a material Office error under 37 CFR 1.221. The misprinting of the foreign priority data does not affect the understanding of the application. The misprint does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[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).

On November 10, 2008, a Filing Receipt was mail by the Office, which incorrectly listed the Foreign Application Priority data. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a corrected filing receipt prior to export of the publication to the publisher.

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

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

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

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

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

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.
12/223,301	07/24/2008	Tomoo Sarukawa	79622/JPW/JL	7548

7590 08/20/2009
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

EXAMINER
TRUONG, DUC

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
08/20/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

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

Tomi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

0 8 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAWSON & WEITZEN, LLP
88 BLACK FALCON AVE
SUITE 345
BOSTON MA 02210

In re Application of:	:	
FUJISHIMA, Musashi, et al.	:	
U.S. Application No.: 12/223,344	:	DECISION
PCT No.: PCT/JP2007/050722	:	
International Filing Date: 18 January 2007	:	
Priority Date: 30 January 2006	:	
Atty Docket No.: 48479-004	:	
For: BIODEGRADABLE INVERTED-OPAL STRUCTURE, METHOD FOR MANUFACTURING AND USING THE SAME, AND MEDICAL IMPLANT COMPRISING THE BIODEGRADABLE INVERTED-OPAL STRUCTURE	:	

This decision is issued in response to the "Petition to accept checks in national phase application" filed 31 July 2008. No petition fee is required.

BACKGROUND

On 18 January 2007, applicants filed international application PCT/JP2007/050722. The application claimed a priority date of 18 January 2007, and it designated the United States. On 02 August 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for filing the basic national fee was thirty months from the priority date, i.e., 30 July 2008.

On 29 July 2007, applicants filed materials requesting entry into the U.S. national stage for PCT/JP2007/050722, including a Transmittal Letter (Form PTO-1390), an English translation of the international application, an unexecuted declaration, and a fee payment of $815.

On 31 July 2007, applicants filed the "Petition to accept checks in national phase application" considered herein. The petition indicates that the fee payment herein consisted of two checks, in the amounts of $750 and $65, and that the checks were mislabeled (the $750 check was identified as "Oath/Declaration" and the $65 check was identified as "Patent Filing Fee"). Applicants request that the labels on the checks be corrected so that the $750 check is applied to the "Patent Filing Fee" and the $65 dollar check is applied to the late declaration fee.

DISCUSSION

The total fee payment of $815 submitted by applicants on 29 July 2008 has been applied to the fees required herein, without reliance on the incorrect labels placed on the individual checks by applicants. Accordingly, the present petition is moot.

It is noted that the fees applicable in the present application differed from those listed on the Form PTO-1390 filed by applicants.[1] The Form PTO-1390 used by applicants identified the applicable small entity fees as follows: basic national fee, $150; examination fee, $100; search fee, $200; and extra independent claims fees, $300 ($100 per extra independent claim). The correct fees at the time this application was filed were as follows: basic national fee, $155; examination fee, $105; search fee, $205; and extra independent claims fees, $315 ($105 per extra independent claim).[2]

Because of the fee increases set forth above, $780 out of applicants' total fee payment of $815 was required to pay the applicable amounts for the above-listed fees. This leaves a remainder of $35, an amount which is not sufficient to cover the full $65 surcharge required for filing the oath or declaration later than thirty months after the priority date. Pursuant to the authorization contained in the Form PTO-1390 filed 29 July 2008, Deposit Account No. 50-3344 will be charged the additional $35 required to complete this surcharge payment.

CONCLUSION

As discussed above, the fee payment herein has been applied to the required fees without reference to the incorrect labels on the individual checks submitted. Applicants' petition to disregard such incorrect labels is therefore **MOOT**.

Deposit Account No. 50-3344 will be charged the $35 required to complete the surcharge for filing the oath or declaration later than thirty months after the priority date.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing, including the mailing of a Notification Of Missing Requirements requiring submission of an executed oath or declaration in compliance with 37 CFR 1.497.

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

[1] Applicants used an older version of the Form PTO-1390 which listed outdated fee amounts.
[2] The $65 surcharge for filing the oath or declaration later than thirty months after the priority date had not changed.

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United States Patent and Trademark Office
P.O. Box 1450
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0 3 OCT 2008

Lynn E. Barber
P.O. Box 16528
Fort Worth, TX 76162

In re Application of
MIRABILE, Nicholas
U.S. Application No.: 12/223,365
PCT No.: PCT/US2005/005539
Int. Filing Date: 22 February 2005
Priority Date: 20 February 2004
Docket No.: MIRN02PCT
For: A NOVEL INTERNAL COMBUSTION TORROIDAL ENGINE

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 28 July 2008 is hereby **GRANTED** as follows:

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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LYNN E. BARBER
PO BOX 16528
FORT WORTH, TX 76162

COPY MAILED
FEB 18 2010

In re Application of

Nicholas Mirabile
Application No. 12/223,365
Filed: July 28, 2008
Attorney Docket No. MIRN02PCT

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 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 declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

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

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

January 5, 2009
CST

In re application of Tomoya Oda Serial No. 12/223,367 Filed: July 28, 2008 For: COOLING METHOD OF STEEL PLATE	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special, filed November 11, 2008.

The request and petition are **DISMISSED**.

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

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

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

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

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

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

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

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

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

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

Specifically, JP 08-309425 and JP 2006-192489, both cited by the JPO examiner are not cited in IDS. Also, copies of these documents have not been provided.

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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

CST

March 3, 2009

In re application of	:	DECISION ON REQUEST TO
Tomoya Oda	:	PARTICIPATE IN PATENT
Serial No. 12/223,367	:	PROSECUTION HIGHWAY
Filed: July 28, 2008	:	PROGRAM AND
For: COOLING METHOD OF STEEL PLATE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed February 3, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

The application is currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

1 3 AUG 2008

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P.O. Box 1450
Alexandria, VA 22313-1450
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Kramer & Amado
1725 Duke Street, Suite 240
Alexandria VA 22314

In re Application of:	:	
JONES, Adam, J., et al.	:	
U.S. Application No.: 12/223,374	:	DECISION ON PETITION
PCT No.: PCT/US2006/022382	:	
International Filing Date: 07 June 2006	:	
Priority Date: 23 December 2005	:	
Atty Docket No.: ALC 3367	:	
For: ATTACHMENT OF DEEP DRAWN RESONATOR SHELL	:	

The petition for revival under 37 CFR 1.137(b) filed 29 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 23 June 2008 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

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

It is noted that applicants filed an executed declaration pursuant to PCT Rule 4.17(iv) during the international phase.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 29 July 2008.

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

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26 SEP 2008

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J. Douglas Wells
Chernoff, Vilhauer, McClung & Stenzel
1600 Ods Tower
601 SW Second Avenue
Portland, OR 97204-3157

In re Application of:	:	
Peter Spielberger	:	DECISION
Application No.: 12/223,419	:	
PCT Application No.: PCT/AT06/00351	:	ON PETITION
Int. Filing Date: 24 August 2006	:	
Priority Date: 16 September 2005	:	UNDER
Atty Docket No.: 9120.0002	:	
For: METHOD FOR THE GENERATION OF ELECTRICAL ENERGY, METHOD FOR OPERATION OF AN ELECTRICALLY...	:	37 CFR 1.137(b)

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 29 July 2008 is **GRANTED**.

BACKGROUND

On 24 August 2006, applicant filed international application PCT/AT06/00351. The international application claims a priority date of 16 September 2005 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 16 March 2008. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 16 March 2008.

On 29 July 2008, applicant filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, the requisite national stage fee as required by 35 U.S.C. 371(c)(1), a declaration of the inventor as required by 35 U.S.C. 371(c)(4), and the petition fee as required by 37 CFR 1.17(m).

DISCUSSION

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

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

CONCLUSION

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

The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Boris Milef
PCT Legal Examiner
PCT Legal Administration

Patrick Lewis
Detailee
PCT Legal Administration

Telephone: (571) 272-6094

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/223,448		Kazuo Takeda	26B-137-TN	9040

23400 7590 08/27/2008
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

ART UNIT	PAPER NUMBER
3617	

MAIL DATE	DELIVERY MODE
08/27/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

MAILED
FROM DIRECTORS OFFICE

AUG 26 2008

TECHNOLOGY CENTER 3600

Posz Law Group, PLC
12040 South Lakes Drive
Suite 101
Reston, VA 20191

In re application of Kazuo Takeda Application No. 12/223,448 Filed: July 31, 2008 For: VEHICLE WHEEL	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 15, 2008, to make the above-identified application special.

The request and petition are **DISMSSED**.

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

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

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

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

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

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

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

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

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

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

With respect to requirement (1), the instant application is a national stage entry of PCT/JP2007/051794. However, the request and petition indicates that the corresponding JPO application is JP 2006-318737.

Since 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 allowable/patentable claims and the JPO priority application claimed in the U.S. application (e.g., JPO application 2007-xxxxxx that contains the allowable/patentable claims, claims internal priority to JPO application 2006-xxxxxx, which is the priority application claimed in the U.S. application) as set forth in the "Notice Regarding Full Implementation of Patent Prosecution Highway Program Between the United States Patent and Trademark Office and the Japan Patent Office" dated December 28, 2007.

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

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

Telephone inquires concerning this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 08/22/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/223,448		Kazuo Takeda	26B-137-TN	9040

23400 7590 09/30/2008
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

ART UNIT	PAPER NUMBER
3617	

MAIL DATE	DELIVERY MODE
09/30/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 29 2008

TECHNOLOGY CENTER 3600

Posz Law Group, PLC
12040 South Lakes Drive
Suite 101
Reston, VA 20191

In re application of Kazuo Takeda Application No. 12/223,448 Filed: July 31, 2008 For: VEHICLE WHEEL	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

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

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

In light of the identification of the relationship between the JPO application that contains allowable/patentable claims and the JPO priority application claimed in the U.S. application, the request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 09/26/08

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0 8 JAN 2009

ARENT FOX LLP
1050 CONNECTICUT AVENUE, NW
SUITE 400
WASHINGTON, DC 20036-5339

In re Application of KOVACIC et al. Application No.: 12/223,493 PCT No.: PCT/EP07/00819 Int. Filing: 31 January 2007 Priority Date: 02 February 2006 Attorney Docket No.: 50032-US-PCT For: A PHARMACEUTICAL COMPOSITION COMPRISING PERINDOPRIL	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 31 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that the basic national fee of $330 has now been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath and declaration after thirty month period, are required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

0 4 MAR 2009

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

In re Application of SHIBATA et al	:	
U.S. Application No.: 12/223,538	:	
PCT Application No.: PCT/JP2008/052209	:	DECISION
Int. Filing Date: 05 February 2008	:	
Priority Date Claimed: 08 February 2007	:	
Attorney Docket No.: 137998	:	
For: BONDING METHOD	:	

This is in response to applicant's "Petition to Correct Application Number Listed on Documents" filed 21 October 2008, which is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 05 February 2008, applicant filed international application PCT/JP2008/052209, which claimed priority of an earlier Japan application filed 08 February 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 14 August 2008. The thirty-month period for paying the basic national fee in the United States would have expired on 08 August 2009.

On 01 August 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 09 September 2008, applicant filed executed powers of attorney.

On 21 October 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The powers of attorney filed on 09 September 2008 have been retrieved and will be moved to the present application file.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/223,541	08/01/2008	Arihide Noda	FPA-2006-0390-NEC-PCT-US-	9792

7590 05/18/2010
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
KEARNEY, NAIMA J

ART UNIT	PAPER NUMBER
2811	

MAIL DATE	DELIVERY MODE
05/18/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

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

Tomi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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0 3 JUN 2009

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of:	:	
EBERLE, Diego, et al.	:	DECISION ON PETITION UNDER
U.S. Application No.: 12/223,544	:	37 CFR 1.47(a)
PCT No.: PCT/EP2007/051038	:	
International Filing Date: 02 February 2007	:	
Priority Date: 03 February 2006	:	
Atty Dkt No.: EBERLE ET AL – 5 PCT	:	
For: FASTENING ELEMENT FOR	:	
VEHICLE PARTS	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 14 April 2009. Applicant has paid the required petition fee.

BACKGROUND

On 02 February 2007, applicants filed international application PCT/EP2007/051038. The international application claimed a priority date of 03 February 2006, and it designated the United States. On 09 August 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., 03 August 2008.

On August 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a translation of the international application into English.

On 16 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 14 April 2009, applicants filed a response to the Notification Of Missing Requirements (with the necessary extension fee). The response included payment of the required surcharge, a partially executed declaration, and the "Petition Under 37 CFR 1.47(a)" considered herein. The petition seeks acceptance of the application without the signature of co-inventor Uwe KORBMACHER, whom applicants assert cannot be located after diligent effort.

DISCUSSION

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

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

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

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

Here, applicants have filed a declaration executed by three of the four inventors of record and containing an unsigned signature block for the non-signing inventor, Uwe KORBMACHER. This declaration may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), applicants assert that the non-signing inventor cannot be located after diligent effort. With respect to the inability to locate an inventor, MPEP section 409.03(d) states the following:

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

Here, applicants have provided a declaration, with supporting documents, providing a firsthand account of the efforts made to obtain the signature of the non-signing inventor. These materials demonstrate that applicants have made a diligent effort to provide the inventor with a copy of the application and declaration, and that a diligent effort has been made to locate a current address for the non-signing inventor. Item (4) is therefore satisfied.

Based on the above, applicants have satisfied all the elements for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted under 37 CFR 1.47(a) without the signature of inventor Uwe KORBMACHER.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) is 14 April 2009.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

03 JUN 2009

Commissioner for Patents
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Uwe KORBMACHER
Schanhorstrasse 8a
D-32427 Minden
GERMANY

In re Application of: EBERLE, Diego, et al.
U.S. Application No.: 12/223,544
PCT No.: PCT/EP2007/051038
International Filing Date: 02 February 2007
Priority Date: 03 February 2006
Atty Dkt No.: EBERLE ET AL – 5 PCT
For: FASTENING ELEMENT FOR VEHICLE PARTS

Dear Mr. KORBMACHER:

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

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

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

Counsel Of Record:
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

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2 6 MAR 2009

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

In re Application of	:	
EITH, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/223,547	:	
PCT No.: PCT/DE07/00145	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 26 January 2007	:	
Priority Date: 04 February 2006	:	
Atty Docket No.: EITH ET AL-1 PCT	:	
For: ANTIDISMANTLING DEVICE FOR	:	
HAND-GUNS	:	

This decision is in response to applicant's "Request to Change Inventorship Under 37 C.F.R. § 1.497(d)" filed 17 February 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 26 January 2007, applicant filed international application PCT/DE07/00145 which claimed priority of an earlier application filed 04 February 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 August 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 August 2008.

On 01 August 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment, an English translation of the international application and an information disclosure statement.

On 15 October 2008, applicant filed a combined declaration and power of attorney, which in addition to being executed by the inventor listed on the published international application was signed by a second and third inventor, Wulf-Heinz Pflaumer and Franz Wonisch.

On 11 December 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant that the filed declaration included inventors who were not listed on the published international application. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 17 February 2009, applicant responded with the present petition accompanied by a petition for a one-month extension of time and payment of the appropriate extension of time fee.

As such, the response is considered timely filed.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

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

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

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

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

As to Item (1), applicant has provided statements from Wulf-Heinz Pflaumer and Franz Wonisch declaring that the error in inventorship occurred without deceptive intent.

Regarding Item (2), on 15 October 2008 applicant filed a combined declaration and power of attorney executed by the inventor listed on the published international application, as well as, Wulf-Heinz Pflaumer and Franz Wonisch.

As Item (3), applicant has provided the petition fee payment of $130.00.

Regarding Item (4), applicant has provided a statement from the assignees consenting to the addition of Wulf-Heinz Pflaumer and Franz Wonisch as inventors in the present application.

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

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

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application has an international application filing date of 26 January 2007 and will be given a date of **15 October 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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COLLARD & ROE, P.C.
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ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Stefan Eith	: DECISION ON REQUEST FOR
Patent Number	: 7610709	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/223,547	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/15/2008	: 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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Alexandria, VA 22313-1450
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James C. Lydon
100 Daingerfield Road
Suite 100
Alexandria, VA 22314

In re Application of:	:	
Pierre Imbert	:	DECISION
Application No.: 12/223,589	:	
PCT Application No.: PCT/FR06/02611	:	ON PETITION
Int. Filing Date: 29 November 2006	:	
Priority Date: 29 November 2005	:	UNDER
Atty Docket No.: GERARD-006	:	
For: SURGICAL IMPLANT WITH EXTRACORTICAL SUPPORT FOR A LIGAMENT TRANSPLANT	:	37 CFR 1.137(b)

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 04 August 2008 is **GRANTED**.

BACKGROUND

On 29 November 2006, applicant filed international application PCT/FR06/02611. The international application claims a priority date of 29 November 2005 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 29 May 2008. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 29 May 2008.

On 04 August 2008, applicant filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, an authorization to charge a deposit account for the requisite national stage fee as required by 35 U.S.C. 371(c)(1), and the petition fee as required by 37 CFR 1.17(m).

On 12 August 2008, applicant filed a declaration of the inventor as required by 35 U.S.C. 371(c)(4) and surcharge for furnishing the oath or declaration later than 30 months from the earliest claimed priority date.

DISCUSSION

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

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

CONCLUSION

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

The application has an international filing date of 29 November 2006 under 35 U.S.C. 363 and a date of 12 August 2008 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

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2 8 JAN 2009

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CHICAGO, IL 60606

In re Application of GABBAY et al	:	
U.S. Application No.: 12/223,608	:	
PCT Application No.: PCT/IL2007/000196	:	DECISION
Int. Filing Date: 13 February 2007	:	
Priority Date Claimed: 13 February 2006	:	
Attorney Docket No.: 4529-106345	:	
For: PORTABLE SOFT PHONE	:	

This is in response to applicant's "Petition for Acceptance of Declaration by Less Than All of the Inventors Under Section 1.47(a)" filed 15 December 2008.

BACKGROUND

On 13 February 2007, applicant filed international application PCT/IL2007/000196, which claimed priority of an earlier United States application filed 13 February 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 23 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 13 August 2008.

On 04 August 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 14 October 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 15 December 2008, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Zvi Knobler refuses to sign the application papers. However, the petition has not established that a bona fide attempt was made to present a copy of the application papers (including specification, claims, drawings, and oath/declaration) to Knobler for signature. Although the petition provides evidence of declaration and assignment documents having been sent to Knobler (see electronic mail message dated 17 September 2008), there is no documentary evidence that the specification, claims, and drawings were sent to Knobler. Thus, it would not be reasonable to conclude at the present time that Knobler refuses to join in the application.

With regard to item (3) above, applicant is advised that effective 22 November 2004, the fee for a petition under 37 CFR 1.47 increased to $200.00. Any deficiency in the petition fee will be charged to Deposit Account No. 23-0920 as authorized by applicant.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

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

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PCT Legal Office

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In re Application of GABBAY et al	:	
U.S. Application No.: 12/223,608	:	
PCT Application No.: PCT/IL2007/000196	:	DECISION
Int. Filing Date: 13 February 2007	:	
Priority Date Claimed: 13 February 2006	:	
Attorney Docket No.: 4529-106345	:	
For: PORTABLE SOFT PHONE	:	

This is in response to applicant's renewed petition under 1.47(a) filed 29 June 2009.

BACKGROUND

On 13 February 2007, applicant filed international application PCT/IL2007/000196, which claimed priority of an earlier United States application filed 13 February 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 23 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 13 August 2008.

On 04 August 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 14 October 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 15 December 2008, applicant filed a petition under 37 CFR 1.47(a).

On 28 January 2009, this Office mailed a decision dismissing the 15 December 2008 petition.

On 29 June 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner has previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Zvi Knobler refuses to sign the application papers. The renewed petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers (including specification, claims, drawings, and oath/declaration) to Knobler for signature and that Knobler received such papers (see affidavit of Eltan Shaulsky, ¶¶1-2). Furthermore, the renewed petition sufficiently establishes that Knobler refuses to sign. In particular, Knobler's failure to respond to the 11 May 2009 and 18 May 2009 letters constitutes a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Knobler refuses to join in the application.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 13 February 2007 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 December 2008.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

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

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27 AUG 2009

Zvi Knobler
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In re Application of GABBAY et al
U.S. Application No.: 12/223,608
PCT Application No.: PCT/IL2007/000196
Int. Filing Date: 13 February 2007
Priority Date Claimed: 13 February 2006
For: PORTABLE SOFT PHONE

Dear Zvi Knobler:

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

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

Bryan Lin

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Attorney Docket No.: 4529-106345

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In re Application of	DECISION ON
OHTAKI et al	
Application No.: 12/223,611	
PCT No.: PCT/JP2007/052013	PAPERS FILED
Int. Filing Date: 06 June 2007	
Priority Date: 06 June 2006	
Attorney's Docket No.: 4252-0134PUS1	UNDER 37 CFR 1.42
For: PROCESS FOR ...	
FORMED PRODUCT	

This is a decision on the declaration filed 28 April 2009, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 05 August 2008, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

On 28 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two(2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventor be submitted, applicants submitted on 28 April 2009 a declaration indicating that Shuii OHTAKI is the Administrator (legal representative) of the deceased inventor, Tomoyoshi OHTAKI.

DISCUSSION

The declaration is accepted under 37 CFR 1.42 because it includes the citizenship and mailing addresses of Shuii OHTAKI(administrator) and the required information for the deceased inventor, Tomoyoshi OHTAK.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

For the above reasons, the submission of the declaration under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations until commencement of national stage processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is **28 April 2009**.

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26 SEP 2008

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In re Application of:	:	
James D. Wilkins	:	DECISION
Application No.: 12/223,619	:	
PCT Application No.: PCT/US06/13259	:	ON PETITION
Int. Filing Date: 07 April 2006	:	
Priority Date: 07 April 2005	:	UNDER
Atty Docket No.: 25984.01	:	
For: ORTHOPEDIC PROCEDURES TRAINING SIMULATOR	:	37 CFR 1.137(b)

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 05 August 2008 is **GRANTED**.

BACKGROUND

On 07 April 2006, applicant filed international application PCT/US06/13259. The international application claims a priority date of 07 April 2005 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 07 October 2007. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 07 October 2007.

On 05 August 2008, applicant filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, an authorization to charge a deposit account for the requisite national stage fee as required by 35 U.S.C. 371(c)(1), a declaration of the inventor as required by 35 U.S.C. 371(c)(4), and the petition fee as required by 37 CFR 1.17(m).

DISCUSSION

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

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

CONCLUSION

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

The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

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PCT Legal Administration

Patrick Lewis
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PCT Legal Administration

Telephone: (571) 272-6094

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of	:	
WISNIEWSKI, Kazimierz, et al.	:	DECISION ON REQUEST
U.S. Application No.: 12/223,654	:	FOR WITHDRAWAL AS
PCT No.: PCT/US2007/003213	:	ATTORNEY OF RECORD
Int. Filing Date: 05 February 2007	:	
Priority Date: 10 February 2006	:	
Attorney Docket No.: 052209-0174	:	
For: NOVEL COMPOUNDS	:	

This decision is in response to the "Request For Withdrawal As Attorney Or Agent" filed 17 November 2008.

The criteria for effecting a proper withdrawal of attorney are set forth in Section 402.06 of the Manual of Patent Examining Procedure (MPEP) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record, the file will be forwarded to the appropriate official for decision on the request. The **withdrawal is effective when approved** rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney, under 37 CFR 1.36, Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of himself or herself and another. ...
>
> The Director of the United States Patent and Trademark Office usually requires that there be at least 30 days between *approval* of the withdrawal and the latter of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action.

Attorney Courtenay C. Brinckerhoff has provided a clear indication that the request for withdrawal is being made on behalf of all attorneys/agents associated with Customer Number 22428.

There is no pending Office communication in this application for which the time period for response will expire in the next 30 days.

Because all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with, the request for withdrawal as attorney of record is appropriately **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including updating USPTO records to remove above-named counsel as attorney of record and updating the correspondence address herein.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 271-3296
Fax: (571) 273-0459

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

2 8 AUG 2008

K&L Gates LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111-2950

In re Application of BEUSKER et al. U.S. Application No. 12/223,682 PCT No.: PCT/NZ07/50043 Int. Filing Date: 02 February 2007 Priority Date: 02 February 2006 Attorney Docket No.: NED-005 For: WATER SOLUBLE CC-1065 ANALOGS AND THEIR CONJUGATES	:	DECISION ON PETITION

The petition to revive under 37 CFR 1.137(b) filed 06 August 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

2 4 APR 2009

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

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

In re Application of:	:	
FAN, Yeping, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/223,684	:	(37 CFR 1.10(c))
PCT No.: PCT/CN2006/001595	:	
International Filing Date: 06 July 2006	:	
Priority Date: 30 June 2006	:	
Atty Docket No.: 62533/S1332	:	
For: AN AUTOMATIC POLE	:	

This decision is issued in response to the "Letter To Correct Filing Date Under 1.10" filed 28 October 2008, treated herein as a petition under 37 CFR 1.10(c). No petition fee is required.

BACKGROUND

On 06 July 2006, applicants filed international application PCT/CN2006/001595. The application claimed a priority date of 30 June 2006, and it designated the United States. On 17 January 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 December 2008.

In August, 2008, applicants filed via "Express Mail" a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee, an English translation of the international application, and an executed declaration. The USPTO assigned the submission a filing date of 06 August 2008.

On 28 October 2008, applicants filed the petition considered herein. The petition asserts that the proper filing date for the national stage application materials is 05 August 2008, the date on which the "Express Mail" envelope containing the application materials was deposited with the USPS.

DISCUSSION

Applicants assert that the materials filed to initiate the present national stage application were deposited with the USPS as "Express Mail" on 05 August 2008.

"Express Mail" label number EV810529749US was listed on the correspondence filed to initiate this national stage application (specifically, on the first page of the copy of the published international application included in such submission). The present petition includes a copy of the customer receipt for "Express Mail" label number EV810529749US; the "date in" on this

label is 05 August 2008. In addition, the USPS online tracking database confirms that the USPS accepted this "Express Mail" envelope on 05 August 2008.

Based on applicants' statements in the present petition, the listing of the "Express Mail" label number on the filed correspondence, the "date in" entered by the USPS on the "Express Mail" label, and the USPS tracking data, it is concluded that the materials filed by applicant to initiate the present national stage application (including payment of the basic national feet) were deposited with the USPS as "Express Mail" on 05 August 2008. Pursuant to 37 CFR 1.10(c), these materials are properly accorded a filing date of 05 August 2008. This date is prior to the expiration of thirty months from the priority date.

CONCLUSION

Applicant's petition under 37 CFR 1.10(c) is **GRANTED**.

The correspondence initiating the present international application, including the basic national fee, English translation of the international application, and executed declaration, are treated as having been filed on 05 August 2008.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including correcting USPTO records to properly identify the filing date of the basic national fee and accompanying materials as 05 August 2008. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 05 August 2008.

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

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

CST

March 9, 2009

In re application of	:	DECISION ON REQUEST TO
Ryuzo Ueno et al.	:	PARTICIPATE IN PATENT
Serial No. 12/223,695	:	PROSECUTION HIGHWAY
Filed: August 7, 2008	:	PROGRAM AND
For: METHOD OF MODIFYING	:	PETITION TO MAKE SPECIAL
LIQUID CRYSTAL POLYMERS	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed December 11, 2008.

The request and petition are **DISMISSED**.

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

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

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

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

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

(5) Applicant must submit:

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

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

(6) Applicant must submit:

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

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

The request to participate in the PPH program and petition 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 JPO application(s).

Specifically, independent claims 9, 10 and 11, each omit some of the limitations recited in the claims of the allowed corresponding JP application 2007-557800. More specifically, independent claim 9 of the pending US application omits the three limitations (bold, underlined) as compared to the corresponding claim of the referenced JP application:

A method of modifying liquid crystal polymers, which comprises a step of irradiating liquid crystal polymer with the laser **beam** having a pulse width of 10^{-12} seconds or less, wherein **average** output power of the laser **beam** is adjusted within the range so that abrasion does not occur in the focused portion of the irradiated object, and the modification effects comprise decreasing transmittance of terahertz electromagnetic waves.

Similarly, independent claims 10 and 11 omit the same limitations.

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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

CST

April 3, 2009

In re application of	:	DECISION ON REQUEST TO
Ryuzo Ueno et al.	:	PARTICIPATE IN PATENT
Serial No. 12/223,695	:	PROSECUTION HIGHWAY
Filed: August 7, 2008	:	PROGRAM AND
For: METHOD OF MODIFYING	:	PETITION TO MAKE SPECIAL
LIQUID CRYSTAL POLYMERS	:	UNDER 37 CFR 1.102(d)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed March 18, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or

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

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

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

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

c. A statement that the English translation is accurate;

(6) Applicant must submit:

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/223,700	08/07/2008	Kwang-Seung Park	29137.356.00	1803

30827 7590 10/06/2009
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER
DOAN, JENNIFER

ART UNIT	PAPER NUMBER
2874	

MAIL DATE	DELIVERY MODE
10/06/2009	PAPER

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

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

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, N.W.
WASHINGTON, DC 20006
UNITED STATES

In re Application of	**: DECISION ON REQUEST TO**
Kwang-Seung PARK, et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/223,700	**: PROSECUTION HIGHWAY**
Filed: 07 August 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: 29137.356.00	**: TO MAKE SPECIAL UNDER**
For: ANISOTROPIC DIFFUSION SHEET	**: 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 31 August 2009, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) 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 under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

of reflector(s) to be anisotropically diffused, and this anisotropically diffused light becomes incident to the liquid crystal display panel" while corresponding allowed claim 1 of the stated Korean Patent recites in lines 15-19 "wherein the light, emitted from the light source portion, is isotropically diffused through the isotropic diffusion layer, and then is reflected by the reflector to be anisotropically diffused, and this anisotropically diffused light becomes incident to the liquid crystal display panel".

- Claim 11 of the U.S. application recites in lines 9-14 "so as to reflect the light isotropically diffused by the isotropic diffusion layer to the display panel, wherein the light, emitted from the light source portion and then becomes incident to the isotropic diffusion layer, is isotropically diffused, the light isotropically illuminated by the isotropic diffusion layer is then reflected by the plurality of reflector(s) to be anisotropically diffused, and this anisotropically diffused light becomes incident to the liquid crystal display panel" while corresponding allowed claim 8 of the stated Korean Patent recites in lines 14-17 "wherein the light, emitted from the light source portion, is isotropically diffused through the isotropic diffusion layer and then is reflected by the plurality of reflector(s) to be anisotropically diffused, and this anisotropically diffused light becomes incident to the liquid crystal display panel".

- The Petitioner has not provided a proper claims correspondence table. First, correspondence table shows 20 claims in the "patentable claims in KIPO application" column while there are only 16 allowed claims in the stated Korean Patent. Second, the table shows that claims 1-16 in the U.S. application identically and respectively correspond to allowed claims 1-16 of the KIPO application while (i) claims 6 and 16 of the U.S. application have been cancelled, (ii) claims 7-8 of the U.S. application respectively correspond to allowed claims 6-7 of the stated Korean Patent, (iii) claims 9-10 of the U.S. application respectively correspond to allowed claims 15-16 of the stated Korean Patent, and (iv) claims 11-15 and 17-20 of the U.S. application respectively correspond to allowed claims 8-16 of the stated Korean Patent.

Regarding requirement 4, examination of the U.S. application has begun. A review of the file wrapper indicates that a notice of allowance was mailed 17 September 2009.

This application will remain in its regular status and prosecution shall continue in its regular course.

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

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

of reflector(s) to be anisotropically diffused, and this anisotropically diffused light becomes incident to the liquid crystal display panel" while corresponding allowed claim 1 of the stated Korean Patent recites in lines 15-19 "wherein the light, emitted from the light source portion, is isotropically diffused through the isotropic diffusion layer, and then is reflected by the reflector to be anisotropically diffused, and this anisotropically diffused light becomes incident to the liquid crystal display panel".

- Claim 11 of the U.S. application recites in lines 9-14 "so as to reflect the light isotropically diffused by the isotropic diffusion layer to the display panel, wherein the light, emitted from the light source portion and then becomes incident to the isotropic diffusion layer, is isotropically diffused, the light isotropically illuminated by the isotropic diffusion layer is then reflected by the plurality of reflector(s) to be anisotropically diffused, and this anisotropically diffused light becomes incident to the liquid crystal display panel" while corresponding allowed claim 8 of the stated Korean Patent recites in lines 14-17 "wherein the light, emitted from the light source portion, is isotropically diffused through the isotropic diffusion layer and then is reflected by the plurality of reflector(s) to be anisotropically diffused, and this anisotropically diffused light becomes incident to the liquid crystal display panel".

- The Petitioner has not provided a proper claims correspondence table. First, correspondence table shows 20 claims in the "patentable claims in KIPO application" column while there are only 16 allowed claims in the stated Korean Patent. Second, the table shows that claims 1-16 in the U.S. application identically and respectively correspond to allowed claims 1-16 of the KIPO application while (i) claims 6 and 16 of the U.S. application have been cancelled, (ii) claims 7-8 of the U.S. application respectively correspond to allowed claims 6-7 of the stated Korean Patent, (iii) claims 9-10 of the U.S. application respectively correspond to allowed claims 15-16 of the stated Korean Patent, and (iv) claims 11-15 and 17-20 of the U.S. application respectively correspond to allowed claims 8-16 of the stated Korean Patent.

Regarding requirement 4, examination of the U.S. application has ~~not~~ begun. A review of the file wrapper indicates that a notice of allowance was mailed 17 September 2009.

This application will remain in its regular status and prosecution shall continue in its regular course.

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

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

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

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

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CLARK & BRODY
1090 VERMONT AVENUE, N.W.
SUITE 250
WASHINGTON, DC 20005

MAILED

NOV 25 2009

OFFICE OF PETITIONS

Applicant: Gunther Battenberg
Appl. No.: 12/223,714
International Filing Date: February 9, 2007
Title: Method And Device For The Fully Automatic Final Inspection Of Components And/Or Their Functional Units
Attorney Docket No.: 12007-0119
Pub. No.: US 2009/0069937 A1
Pub. Date: March 12, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 12, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the foreign application priority data was not published correctly, applicant states the correct date for DE102006006246.9 should be February 10, 2006 not February 9, 2006. Applicant further request that if the application is being republished that the inventor's name and title also be corrected.

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

The error on the front page of the publication wherein the foreign application priority date for DE 2006 006 246.9 is misprinted as February 9, 2006 and not February 10, 2006, may be an Office error, but is not a material Office error under 37 CFR 1.221. The error in the foreign priority date does not affect the understanding of the application. The misprint does not affect

[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 public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The error also does not affect the use of the patent application publication as a prior art reference, because the foreign priority date is not useable as a reference date.

As to the inventor's name, this is not an Office error, as the name was printed as listed in the Oath filed on August 7, 2008.

As to the title of the invention, the error may be an Office error but it is not a material mistake as required by 37 CFR 1.22(b).

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

0 1 JUN 2009

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Harrington & Smith, P.C.
4 Research Drive, Suite 202
Shelton, CT 06484-6212

In re Application of	:	
SMITH, et al.	:	
Application No.: 12/223,757	:	
PCT No.: PCT/GB2007/00535	:	DECISION ON PETITION
Int. Filing Date: 15 February 2007	:	
Priority Date: 15 February 2006	:	UNDER 37 CFR 1.42
Attorney Docket No.: 884B.0013.U1(US)	:	
For: ASSESSING BLOOD SUPPLY TO A	:	
PERIPHERAL PORTION OF AN ANIMAL	:	

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The combined declaration and declaration filed 14 May 2009 is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 15 February 2007, applicant filed international application PCT/GB2007/00535 which claimed priority to a previous application filed 15 February 2006. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 23 August 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 15 August 2008.

On 07 August 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee and an Information Disclosure Statement.

On 11 December 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 14 May 2009, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a three-month extension of time and payment of the appropriate two-month extension fee. With the filing of the extension of time petition, payment of the extension fee and certification that the mailing was deposited as a first class mailing on 08 May 2009, applicant's

response is considered timely filed.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

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

The declaration filed 14 May 2009 was executed by Jennette Smith as the sole heir to the estate of deceased co-inventor Peter R. Smith. However, the declaration is not in compliance with 37 CFR 1.497 (a)-(b) in that it is unclear whether the declaration is setting forth the residence, post office address and country of citizenship of the deceased inventor or the heir. Under 37 CFR 1.497(b) the information must be provided for both the deceased inventor, Peter R. Smith and the surviving heir, Jennette Smith.

In addition to filing a compliant oath or declaration of the inventors, in order to proceed under 37 CFR 1.42, applicant is also required to file a statement that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed.

CONCLUSION

Applicants' petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicants are hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

2 1 SEP 2009

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Harrington & Smith, P.C.
4 Research Drive, Suite 202
Shelton, CT 06484-6212

In re Application of	:	
SMITH, et al.	:	
Application No.: 12/223,757	:	
PCT No.: PCT/GB2007/00535	:	DECISION ON PETITION
Int. Filing Date: 15 February 2007	:	
Priority Date: 15 February 2006	:	UNDER 37 CFR 1.42
Attorney Docket No.: 884B.0013.U1(US)	:	
For: ASSESSING BLOOD SUPPLY TO A	:	
PERIPHERAL PORTION OF AN ANIMAL	:	

This decision is in response to applicant's "Renewed Petition Under 37 C.F.R. 1.42" filed 31 August 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 June 2009, applicant was mailed a decision dismissing applicant's renewed request for status under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 31 August 2009, applicant filed the present response accompanied by a petition for a one-month extension of time and payment of the extension of time fee. The response is timely filed.

DISCUSSION

As detailed in the decision mailed 30 April 2004, 37 CFR 1.42 states:

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

Applicant's previously filed declaration was rejected as it did not contain the residence, citizenship and post office address information for both the deceased inventor and the sole heir of his estate. Applicant has presently filed a declaration providing the relevant information for both parties. In addition, applicant has confirmed that no further legal representative will be appointed. As such, applicant has satisfied all of the concerns raised in the decision mailed 01 June 2009 and it is proper to grant applicant's renewed petition under 37 CFR 1.42 at this time.

CONCLUSION

Applicant's renewed request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 15 February 2007 and a date of **31 August 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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23 SEP 2009

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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

In re Application of:	:	
MAEDA, Yoshito, et al.	:	
U.S. Application No.: 12/223,774	:	DECISION
PCT No.: PCT/JP2007/052098	:	(37 CFR 1.181)
International Filing Date: 07 February 2007	:	
Priority Date: 08 February 2006	:	
Atty Docket No.: F-9836	:	
For: SEARCHING METHOD FOR	:	
ACQUIRING GROUND	:	
INFORMATION	:	

This decision is issued in response to the "Petition Under 37 CFR 1.181" filed 27 August 2009. No petition fee is required.

BACKGROUND

On 07 February 2007, applicants filed international application PCT/JP2007/052098. The international application claimed a priority date of 08 February 2006, and it designated the United States. On 16 August 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 international filing date, i.e., 08 August 2008. The published international application identified the fourth inventor as Katsuo SAKAI.

On 08 August 2008, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an application data sheet (ADS). The ADS identified the fourth inventor as Katsuo SAKAI.

On 27 October 2008, applicants filed an executed declaration and the surcharge for filing the declaration later than thirty months after the priority date. The declaration identified the fourth inventor as Katuo SAKAI.

On 24 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required. The Notification indicated that the previously filed declaration was defective based on the inconsistency in the spelling of the fourth inventor's name.

On 18 February 2009, applicants filed a response to the Notification Of Missing Requirements, accompanied by a revised declaration. The submission confirms that the correct name for the fourth inventor is that set forth in the international application and the ADS, that is, Katsuo SAKAI.

On 23 July 2009, the DO/EO/US mailed a "Notification Of Defective Response" (Fom PCT/DO/EO/916) indicating that the revised declaration filed 18 February 2009 was defective because the declaration document appeared to be missing pages.

On 27 August 2009, applicants filed the "Petition Under 37 CFR 1.181" considered herein. The petition seeks withdrawal of the Notification Of Defective Response and acceptance of the previously filed declaration.

DISCUSSION

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

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

Here, the declaration filed by applicants on 27 October 2008 contained a one-letter discrepancy in the spelling of the fourth inventor's name (Katuo instead of Katsuo). Applicants' response to the Notification Of Missing Requirements filed 18 February 2009 confirms that the correct spelling of the inventor's name is that set forth in the ADS and the published international application, i.e., Katsuo. Applicants' 18 February 2009 submission is construed herein as an indication that the declaration filed on 27 October 2008 contained a typographical error in the spelling of the fourth inventor's name.[1] As set forth in the MPEP, under such circumstances, a new declaration is not required. Thus, despite the presence of the typographical error, the declaration filed 27 October 2008 may be accepted in compliance with 37 CFR 1.497.

[1] Applicants must notify this Office if this is not a proper interpretation of applicants' submission.

The Notification of Defective Response mailed 23 July 2009, based as it was on a review of the unnecessary revised declaration document filed by applicants on 18 February 2009, is appropriately vacated.[2]

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED** to the extent that, despite the typographical error contained in the fourth inventor's name, the declaration filed by applicants on 27 October 2008 may be accepted in compliance with 37 CFR 1.497.

For the reasons discussed above, the Notification Of Defective Response (Form PCT/DO/EO/916) mailed 23 July 2009 is hereby **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 27 October 2008.

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

[2] It is noted that, as indicated in the Notification Of Defective Response, the revised declaration document filed by applicant on 18 February 2009 was unacceptable as filed. Specifically, such declaration appears to be an unacceptable compilation of multiple documents. See MPEP section 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." The compilation in the revised declaration filed 18 February 2009 is evident in that the eight-page declaration document includes three different versions of page "5" (each executed by a different inventor).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/223,787	08/08/2008	Byeong Moon Jeon	46500-000618/US/NPB	2632

30593 7590 11/19/2009
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
11/19/2009	PAPER

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

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

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
JEON, BYEONG MOON et al	:	DECISION ON REQUEST TO
Application No. 12/223,787	:	PARTICIPATE IN PATENT
Filed: August 8, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 46500-000618/US/NPB	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 16, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to 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

D2e

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00441
SMITH, GAMBRELL & RUSSELL
1130 Connecticut Ave., N.W., Suite 1130
Washington, DC 20036

In re Application of :
IMAINGRISCH *et al* :
Application No.: 12/223,805 :
PCT No.: PCT/JP2007/051801 :
Int. Filing Date: 02 February 2007 : **DECISION**
Priority Date: 15 February 2006 :
Attorney Docket No.: 033458 R 009 :
For: COIN-ROLL STORAGE :

This is a decision on the declaration filed 11 August 2008 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 11 August 2008, applicants filed papers to enter the national stage of PCT/JP2007/051801 which included a declaration signed by four of the five listed co-inventors and the executrix of a deceased co-inventor.

DISCUSSION

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

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

Applicants submitted a declaration signed by four of the five listed co-inventors records. The declaration lists the citizenship of each inventor (including the deceased inventor) pursuant to 37 CFR 1.497(a)(3).

Applicants have also furnished a supplemental declaration signed by Yumiko Imai as the executrix of Mikito Imai. The citizenship, residence and mailing address of Yumiko Imai are listed on the supplemental declaration pursuant to 37 CFR 1.497(b)(2).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

This application is being forwarded to the National Stage Processing Division of

12/223,805

the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

United States Patent and Trademark Office

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THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

In re Application of	:	
Koren et al.	:	
Application No.: 12/223,806	:	
PCT No.: PCT/IL2007/000187	:	
Int. Filing Date: 11 February 2007	:	DECISION
Priority Date: 12 February 2006	:	
Attorney Docket No.: 82851	:	
For: Content Personalization Of Personal	:	
Cellular Telecommunications Devices	:	

This is in response to the correspondence filed on 26 January 2009.

BACKGROUND

This international application was filed on 11 February 2007, claimed an earlier priority date of 12 February 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 16 August 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 12 August 2008. Applicants filed, *inter alia*, a basic national fee on 11 August 2008.

On 25 September 2008, a Notification of Insufficient Fees (Form PCT/DO/EO/923) was mailed to applicants, requiring additional claims fees in the amount of $370.00. A Filing Receipt was also mailed.

On 15 October 2009, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) were mailed to applicants.

DISCUSSION

Applicants state that

> It is believed that the Reviewer calculated the filing fees based on the PCT application and not on the Amended Application which was filed with the National Phase filing on August 11, 2008. If the fees are based on the Amended Application, then there are no multiple dependent claims, and accordingly no additional fees are required.

Review of the record reveals that the published international application included 14 claims, including multiply dependent claims. The correspondence filed on 11 August 2008 included a different set of 14 claims, none of which were multiply dependent. Though applicant characterizes this as an amendment, no formal amendment compliant with 37 CFR 1.121 requesting entry of this claim set appears to have been filed on 11 August 2008. *Cf.* MPEP 1893.01(a)(2) and (3). Accordingly, the issuance of the Notification of Insufficient Fees was proper.

DECISION

Applicants' request is **DISMISSED**, without prejudice.

This application is being returned to the Office of Patent Application Processing for the preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916) requiring the submission of the multiply dependent claim surcharge.

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

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
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In re Application of	:	
JEON, BYEONG MOON, et al.	:	DECISION ON REQUEST TO
Application No. 12/223,809	:	PARTICIPATE IN PATENT
Filed: August 11, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No.: 46500-000619/US/NPB	:	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 May 14, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
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In re Application of	:	
JEON, BYEONG MOON, et al.	:	DECISION ON REQUEST TO
Application No. 12/223,819	:	PARTICIPATE IN PATENT
Filed: August 11, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No.: 46500-000619/US/NPB	:	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 May 13, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
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HARNESS, DICKEY & PIERCE, P.L.C.
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In re Application of	:	
JEON, BYEONG MOON, et al.	:	DECISION ON REQUEST TO
Application No. 12/223,823	:	PARTICIPATE IN PATENT
Filed: August 11, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No.: 46500-000619/US/NPC	:	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 May 14, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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CST

January 21, 2010

In re application of Dae-Jong Seo et al Serial No. 12/223,826 Filed: August 11, 2008 For: ORGANIC/INORGANIC COMPOSITE ELECTROLYTE AND ELECTROCHEMICAL DEVICE PREPARED THEREBY	:	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 November 17, 2009.

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 KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:

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

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

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

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

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

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

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

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

(1) The KIPO application with similar claims, Korean Patent Application No. 10-2007-0166650, is not the same application from which the U.S. application claims priority (10-2006-0015183) and applicant has not identified the relationship between the KIPO application with similar claims and the application from which the U.S. application claims priority. It is noted that the Request for Participation in the PPH program lists the KIPO application as 10-2006-0015183, however the actual documents provided from the KIPO appear to list Korean patent 10-775295. Additionally, neither application was found on the KIPO website.

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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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CST

March 3, 2010

In re application of Dae-Jong Seo et al Serial No. 12/223,826 Filed: August 11, 2008 For: ORGANIC/INORGANIC COMPOSITE ELECTROLYTE AND ELECTROCHEMICAL DEVICE PREPARED THEREBY	:	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 supplemental request to participate in the Patent Prosecution Highway (PPH) program filed February 17, 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 KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

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

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

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

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

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

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

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

The application is currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/224,114	01/20/2009	Jochen Rivoir	20051305-1	4863

63448 7590 02/17/2010
Gregory W. Osterloth
Holland & Hart, LLP
P.O. Box 8749
Denver, CO 80201

EXAMINER

ART UNIT	PAPER NUMBER
2819	

MAIL DATE	DELIVERY MODE
02/17/2010	PAPER

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

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

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Alexandria, VA 22313-1450
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Gregory W. Osterloth
Holland & Hart, LLP
P.O. Box 8749
Denver CO 80201

Applicant: Rivoir
Appl. No.: 12/224,114
Filing Date: January 20, 2009
Title: TIME-TO-DIGITAL CONVERSION WITH CALIBRATION PULSE INJECTION
Attorney Docket No.: 20051305-1
Pub. No.: US 2009/0303091 A1
Pub. Date: December 10, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on February 12, 2010, for the above-identified application.

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

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

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Kanter

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 02/18/2010 KKING1
02/16/2010 INTEFSW 00006385 082623 12224114
01 FC:1504 300.00 CR

0 2 SEP 2008

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

Valauskas & Pine
150 South Wacker Drive
Suite 620
Chicago IL 60606

In re Application of	:	
CANTU	:	
Application No.: 12/224,157	:	
PCT No.: PCT/US07/01917	:	DECISION ON PETITION
Int. Filing Date: 24 January 2007	:	
Priority Date: 24 January 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 7792/32	:	
For: FOOD DELIVERY SYSTEM AND METHODS	:	

The petition to revive under 37 CFR 1.137(b) filed 18 August 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

2 4 SEP 2008

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Alexandria, VA 22313-1450
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Allison M. Corder
Valauskas & Pine LLC
150 South Wacker Drive
Suite 620
Chicago, IL 60606

In re Application of:	:	
Hamaro R. Cantu	:	DECISION
Application No.: 12/224,159	:	
PCT Application No.: PCT/US07/01014	:	ON PETITION
Int. Filing Date: 16 January 2007	:	
Priority Date: 17 January 2006	:	UNDER
Atty Docket No.: 7792/31	:	
For: SYSTEM AND METHODS FOR AUTOMATIC PREPARATION OF SUBSTITUTE FOOD ITEMS	:	37 CFR 1.137(b)

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 18 August 2008 is **GRANTED**.

BACKGROUND

On 16 January 2007, applicant filed international application PCTUS07/01014. The international application claims a priority date of 17 January 2006 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 17 July 2008. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 17 July 2008.

On 18 August 2008, applicant filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, an authorization to charge a deposit account for the requisite national stage fee as required by 35 U.S.C. 371(c)(1), and the petition fee as required by 37 CFR 1.17(m).

DISCUSSION

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

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

CONCLUSION

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

The application has an international filing date 16 January 2007 under 35 U.S.C. 363. Applicant has not provided an oath or declaration as required under 35 U.S.C. 371(c)(4). The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements (FORM PCT/DO/EO/905), which should indicate that an executed oath or declaration under 37 CFR 1.497 must be filed.

Richard Cole
PCT Legal Examiner
PCT Legal Administration

Patrick Lewis
Detailee
PCT Legal Administration

Telephone: (571) 272-6094

UNITED STATES PATENT AND TRADEMARK OFFICE

26 MAR 2009

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

John W. Horton
Pennington, Moore, Wilkinson, Bell & Dunbar, PA
215 S Monroe Street
Tallahassee, FL 32301

In re Application of	:	
QUINN	:	
Application No.: 12/224,251	:	
PCT No.: PCT/GB2007/000222	:	
Int. Filing Date: 24 January 2007	:	DECISION
Priority Date: 24 January 2006	:	
Atty. Docket No.: 19698-23575	:	
For: DRILLING TEMPLATES	:	

This is a decision on applicant's "PETITION FOR REVIVAL..." filed in the U.S. Patent and Trademark Office (USPTO) on 21 August 2008. The petition was accompanied by, *inter alia,* the requisite petition fee and the basic national fee. The petition is **GRANTED** as discussed below.

The present application became abandoned as to the U.S. National Stage on 24 July 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 applicant has satisfied the requirements of 37 CFR 1.137(b). However, a review of the application file also reveals that applicant has not satisfied the requirements under 35 U.S.C. 371 for entry into the national stage in the United States. Specifically, a declaration of the inventor has not been submitted.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring submission of a declaration of the inventor in compliance with 37 CFR 1.497 and the requisite fees for submission of the declaration later than 30 months from the priority date.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/224,263	08/21/2008	Yoshiaki Kawashima	62671/A400	7225

EXAMINER

7590 03/25/2010
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
03/25/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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0 1 JUN 2009

Edwards Vacuum, Inc.
55 Madison Avenue
Suite 400
Morristown, NJ 07960

In re Application of	:	
KETTLEWELL, et al.	:	
U.S. Application No.: 12/224,277	:	DECISION ON PETITION
PCT No.: PCT/GB2007/050088	:	
Int. Filing Date: 28 February 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: 02 March 2006	:	
Attorney Docket No.: M05B164	:	
For: ROTOR ASSEMBLY	:	

This decision is in response to applicant's "Petition For Filing Under 37 C.F.R. §1.47(a)" filed 20 May 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 28 February 2007, applicant filed international application PCT/GB2007/050088 which claimed priority to a previous application filed 02 March 2006. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 07 September 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 02 September 2008.

On 21 August 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, a preliminary amendment and an Information Disclosure Statement.

On 21 January 2009, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 20 May 2009, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a two-month extension of time and payment of the appropriate two-month extension fee. With the filing of the extension of time petition and payment of the extension fee, applicant's response is considered timely filed.

DISCUSSION

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

Regarding item (1), applicant has provided payment of the $200.00 petition fee.

As to item (2), applicant has provided factual proof of a refusal. Pursuant to the guidelines detailed in the Manual of Patent Examining Procedure (MPEP) at section 409.03(d) applicant has provided a written refusal of the inventor. The letter indicates that the inventor will not sign any documents for the corporate assignee. It is clear from the correspondence that the inventor understands what is being asked of him and therefore the refusal satisfies item 2.

Regarding item (3), applicant has provided the last known address of the non-signing inventor.

As to item (4), applicant has filed a compliant declaration of the inventors executed by the remaining inventors on their own behalf and on behalf of the non-signing inventor.

Accordingly, it is proper to grant applicant's petition at this time.

CONCLUSION

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

The application has an international filing date of 28 February 2007 under 35 U.S.C. 363, and will be given a date of **20 May 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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

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01 JUN 2009

Allan Edmiston McDiarmid
16 The Oval
Findon
Worthing
BN14 OTN
UNITED KINGDOM

In re Application of
KETTLEWELL, et al.
U.S. Application No.: 12/224,277
PCT No.: PCT/GB2007/050088
Int. Filing Date: 28 February 2007
Priority Date: 02 March 2006
Attorney Docket No.: M05B164
For: ROTOR ASSEMBLY

Dear Mr. McDiarmid:

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

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

Ting-Mao Chao
Legal Services - Intellectual Property
2041 Mission College Blvd., Suite 260
Santa Clara, CA. 95054

UNITED STATES PATENT AND TRADEMARK OFFICE

12 MAR 2009

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of:	:	
WAKAMATSU, Yuko, et al.	:	DECISION REGARDING
U.S. Application No.: 12/224,284	:	SUBMISSION UNDER
PCT No.: PCT/JP2006/303447	:	37 CFR 1.42
International Filing Date: 24 February 2006	:	
Priority Date: None	:	
Attorney's Docket No.: 138181	:	
For: METHOD FOR PREPARING FISH EMBRYO	:	

This decision is issued in response to applicants' submission on 25 November 2008 of a declaration executed on behalf of deceased inventor Kenjiro OZATO by the deceased inventor's legal representative NORIHIKO OZATO, considered herein under 37 CFR 1.42 and 1.497.

BACKGROUND

On 24 February 2006, applicants filed international application PCT/JP2006/303447. The international application did not claim an earlier priority date, and it designated the United States. On 30 August 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 international filing date, i.e., 24 August 2008.

On 22 August 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee

On 25 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that the following materials were required: (1) an English translation of the international application; (2) an oath or declaration in compliance with 37 CFR 1.497; (3) the $130 processing fee for filing the English translation later than thirty months after the priority date; and (4) the $65 small-entity surcharge for filing the oath or declaration later than thirty months after the priority date.

On 25 November 2008, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and processing fee, an English translation of the international application as filed, and a declaration executed by surviving inventor Yuko WAKAMATSU and on behalf of deceased inventor Kenjiro OZATO by the

deceased inventor's legal representative NORIHIKO OZATO. The declaration filed 25 November 2008 is considered below under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

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

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

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

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed 25 November 2008 includes the required citizenship, residence, and mailing address information for Norihiko OZATO, the person signing the declaration on behalf deceased inventor Kenjiro OZATO, and it identifies this person as the "legal representative" of the deceased inventor. The declaration also includes the citizenship of the deceased inventor and all other information required under 37 CFR 1.497.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Kenjiro OZATO is **GRANTED**.

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

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

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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

COPY MAILED
JAN 12 2010

In re Application of	:	
Shinji Arinaga et al.	:	
Application No. 12/224,293	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO MAKE SPECIAL
Attorney Docket No. KUD-020	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2), filed December 23, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2) and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The 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 Carl Friedman at 571-272-6842.

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

The application is being forwarded to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

Carl Friedman
Petitions Examiner
Office of Petitions

2 7 AUG 2008

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Alexandria, VA 22313-1450
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DOUGLAS A. CHAIKIN
PIPG
26150 BUCKS RUN
CORRAL DE TIERRA, CA 93908

In re Application of	:	
NEATE, Andrew et al.	:	
Application No.: 12/224,344	:	DECISION ON
PCT No.: PCT/GB2006/002018	:	
Int. Filing Date: 02 June 2006	:	PETITION
Priority Date: 03 June 2005	:	
Attorney Docket No.: NBRK 1918	:	UNDER 37 CFR 1.182
For: LAMP	:	

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 23 July 2008.

BACKGROUND

On 01 December 2007, applicants filed international application PCT/US2007/086200. Various included papers listed PCT/GB2006/002018. However, applicant did not supply any fees.

On 01 May 2008, applicants filed a petition to convert.

On 08 May 2008, the Office mailed Notification Concerning Payment of Prescribed Fees (Form PCT/RO/102) and Communication In Cases For Which No Other Form Is Applicable (Form PCT/RO/132).

On 14 July 2008, the Office mailed Decision On Petition.

On 23 July 2008, applicants filed this renewed petition.

DISCUSSION

Applicants have explained that their international filing PCT/US2007/086200 was intended as a national phase filing of the above application and have asked that it be converted to a national phase filing. The request to convert the international application to a national phase is granted. Any future communications with regards to the national phase of PCT/GB2006/002018 should use application number 12/224,344. Application no. PCT/US2007/086200 will be deactivated.

However, Applicants' 01 December 2007 filing was accompanied by neither the basic national fee, nor by an authorization to charge a deposit account. As such, the international application became abandoned for failure to the basic national fee by 30 months from the priority date. Applicants' attention is directed to 37 CFR 1.495(b), which states:

> To avoid abandonment of the application, the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of thirty months from the priority date: ...
> (2) The basic national fee (see §1.492(a)).

Applicants may wish to consider the filing of a petition to revive the international application under 37 CFR 1.137.

CONCLUSION

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

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

This application is being forwarded to the National Stage Processing Division of the Office of the Patent Application Processing for continued processing as a national phase application, including the mailing of a Notification of Abandonment (Form PCT/DO/EO/909), indicating that the application went abandoned for failure to pay the basic national fee by 30 months.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
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1 4 JUL 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DOUGLAS A. CHAIKIN
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26150 BUCKS RUN
CORRAL DE TIERRA, CA 93908

In re Application of	:	
CERAVISION Ltd.	:	DECISION ON
PCT No.: PCT/US2007/086200	:	
Int. Filing Date:	:	PETITION
Priority Date:	:	
Attorney's Docket No.: NBRK 1918	:	UNDER 37 CFR 1.182
For: LAMP	:	

This decision is in response to applicants' "Petition to Convert to 35 U.S.C. 371 National Stage," filed on 01 May 2008.

BACKGROUND

On 01 December 2007, applicants filed international application PCT/US2007/086200. Various included papers listed PCT/GB2006/002018. However, applicant did not supply any fees.

On 01 May 2008, applicants filed a petition to convert.

On 08 May 2008, the Office mailed Notification Concerning Payment of Prescribed Fees (Form PCT/RO/102) and Communication In Cases For Which No Other Form Is Applicable (Form PCT/RO/132).

DISCUSSION

U.S. Statutes and Regulations do not make specific provision for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of course. Any request to convert an application must be accompanied by the fee for a petition under 37 CFR 1.182. That fee is $400 and has not been paid. Applicants have only furnished $130. As such, the petition will not be addressed on the merits.

However, it is noted that applicants' 01 December 2007 filing was not accompanied by either the basic national fee, nor by an authorization to charge a deposit account. As such, even if this conversion were granted the international application is nonetheless **ABANDONED**. Applicants may wish to consider the filing of a petition under 37 CFR 1.137, along with a national phase entry for international application PCT/GB2006/002018.

As this application has not been converted to a national stage application, the Communication In Cases For Which No Other Form Is Applicable (Form PCT/RO/132) mailed 08 May 2008 issued in error and is hereby **VACATED**.

Copied from US0786200 on 11/06/2008

CONCLUSION

As discussed above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

The Communication In Cases For Which No Other Form Is Applicable (Form PCT/RO/132) mailed 08 May 2008 is **VACATED**.

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

This application is being returned to the United States Receiving Office for further action consistent with this decision.

/Erin P. Thomson/

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Copied from US0786200 on 11/06/2008

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In re Application of	:	
NEATE, Andrew et al.	:	
Application No.: 12/224,344	:	
PCT No.: PCT/GB2006/002018	:	DECISION
Int. Filing Date: 02 June 2006	:	
Priority Date: 03 June 2005	:	
Attorney Docket No.: NBRK 1918	:	
For: LAMP	:	

This decision is in response to applicants' Petition Under 37 CFR 1.137(b), filed with the United States Patent and Trademark Office on 16 September 2008.

BACKGROUND

On 27 August 2008, the Office mailed Decision On Petition Under 37 CFR 1.182, granting applicant's petition to convert the international application to a national phase filing and informing applicant that the application was abandoned.

On 16 September 2008 and 19 September 2008, applicant filed this petition under 37 CFR 1.137(b) to revive international application PCT/GB2006/002018.

DISCUSSION

Applicant states that the application was abandoned unintentionally, which is construed to mean that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). If this is not correct, applicants are required to notify the Office immediately. The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant's request to refund the petition fee paid for consideration of the 37 CFR 1.182 petition is refused. Applicant's argument that as the application was abandoned the only petition that the Office could consider was a petition to revive is without merit. Applicant requested that the Office relocate misdirected papers from an international application number to a national phase number. Not only was the petition considered, but it was granted. This is only done on a petition under 37 CFR 1.182. Further, applicant was advised in a decision mailed on 14 July 2008 that granting of a petition to convert would still leave the resulting application abandoned.

Having received that decision, applicant still chose to file a renewed petition under 37 CFR 1.182, accompanied by the petition fee.

CONCLUSION

For the reasons listed above, the Petition Under 37 CFR 1.137(b) is **GRANTED**, but applicant's request to refund the fee for the petition to convert is **REFUSED**.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision.

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

This application is being forwarded to the National Stage Processing Division of the Office of the Patent Application Processing for continued processing as a national phase application. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 16 September 2008.

/Erin P. Thomson/

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0 5 SEP 2008

United States Patent and Trademark Office

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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
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755 MAIN STREET, P O BOX 224
MONROE CT 06468

In re Application of	:	
Steudle et al.	:	
Application No.: 12/224,356	:	
PCT No.: PCT/IB2005/001070	:	
Int. Filing Date: 21 April 2005	:	DECISION
Priority Date: N/A	:	
Attorney Docket No.: 915-007.286	:	
For: Supporting A Transmission And	:	
A Reception Of Data Packets	:	

The petition to revive under 37 CFR 1.137(b) filed on 20 August 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

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

Inspection of the declaration filed on 20 August 2008 reveals that two of the documents nominate inventor NUMMINEN, whereas the other two documents nominate NUMINEN. The published international application nominates NUMMINEN. No explanation of this discrepancy has been provided.

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/224,371	08/26/2008	Yoshihiro Nakao	47635-0045-00 (427171)	9256

7590 06/02/2010
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER
JOIKE, MICHELE K

ART UNIT	PAPER NUMBER
1636	

NOTIFICATION DATE	DELIVERY MODE
06/02/2010	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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March 1, 2010
CST

In re application of Ryuji Yamamoto et al Serial No. 12/224,410 Filed: August 25, 2008 For: METHOD OF ARRANGING AND SETTING SPRAY COOLING NOZZLES AND HOT STEEL PLATE COOLING 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 filed December 1, 2009.

The request and petition are **DISMISSED**.

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

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

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

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

b. Submit a claims correspondence table in English;

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

(5) Applicant must submit:

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

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

(6) Applicant must submit:

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

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

The request to participate in the PPH program and petition 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 JPO application(s).

Claim 1 of the JPO application does not appear to correspond to claim 1 of the present application. Specifically note the section of claim 1 of the JPO application (starting at line 8 of the translated claim and continuing until the end of the claim) that begins with the phrase "said method of arranging and setting spray nozzles characterized by using as an indicator of uniform cooling". This appears to differ significantly from the section of present claim 1 (starting at line 5 of claim 1 and continuing until the end of the claim) that begins with the phrase "said method of arranging and setting spray nozzles characterized by arranging the spray nozzles". While both of these claims appear to have some common features, for example "arranging and setting spray nozzles", claim 1 of the JPO application also requires that the method of arranging and setting spray nozzles is characterized by "using as an indicator of uniform cooling a distribution in the width direction of a value of n power of the impact pressures of the cooling water on the

cooling surface" which is not found in claim 1 of the present application. Also, the difference in wording of the two claims is such that it is difficult to determine if the claims of the US application sufficiently correspond to claim 1 of the JPO application.

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

CST

April 1, 2010

In re application of Ryuji Yamamoto et al Serial No. 12/224,410 Filed: August 25, 2008 For: METHOD OF ARRANGING AND SETTING SPRAY COOLING NOZZLES AND HOT STEEL PLATE COOLING 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 supplemental request to participate in the Patent Prosecution Highway (PPH) program filed March 31, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

_____

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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CST

February 4, 2010

In re application of Heekook Yang et al Serial No. 12/224,526 Filed: April 7, 2009 For: VOLTAGE SENSING MEMBER AND BATTERY MODULE EMPLOYED WITH THE SAME	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed on December 1, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from (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 KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

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

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

The request to participate in the PPH program and petition 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/

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01 DEC 2008

MORGAN LEWIS & BOCKIUS LLP
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WASHINGTON DC 20004

In re Application of	:	
MISTRY et al.	:	DECISION ON
Application No.: 12/224,619	:	
PCT No.: PCT/GB2007/001556	:	PAPERS
Int. Filing Date: 27 April 2007	:	
Priority Date: 09 May 2006	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 066079-5175-US	:	
For: TRISAZO COMPOUNDS, COMPOSITIONS	:	
AND INK JET PRINTING PROCESSES	:	

This is a decision on the submission filed by applicants on 17 October 2008. The indication that inventor Roy Bradbury is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 27 April 2007, applicants filed international application PCT/GB2007/001556 which claimed a priority date of 09 May 2006 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 November 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 November 2008 (09 November 2008 being a Sunday).

On 02 September 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of inventors.

On 17 October 2008, applicants filed a corrected declaration of inventors. The indication that inventor Roy Bradbury is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed 17 October 2008 fails to comply with 37 CFR 1.497(a)-(b). It is not clear from the declaration whether the information above Lynn Patricia Bradbury's signature is her information, or if it is the information of Roy Bradbury. Additionally, the declaration does not include the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the *full name and citizenship of the deceased inventor* (37 CFR 1.497(a)(3)).

Additionally, under 37 CFR 1.42, the declaration must include the signature of the legal representative or the signature of all of the heirs (or if there is only one heir, the sole heir). The declaration filed 17 October 2008 does not indicate that the person signing is the sole heir. When the declaration is signed by a legal representative, the declaration should state that this person is the legal representative. Alternatively, applicants' attorney may file a statement certifying that the person signing is the legal representative. When the declaration is not signed by a legal representative and does not indicate that the persons signing are all of the heirs (or the sole heir), then it must be accompanied by a statement by either those signing or by the attorney which sets forth (1) that they are in fact all the heirs of the deceased and (2) that no legal representative of the deceased's estate has been appointed or is required by the applicable law to be appointed.

CONCLUSION

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

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

Applicant is required to submit a proper declaration within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY

RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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2 4 MAR 2009

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In re Application of	:	
MISTRY et al.	:	DECISION ON
Application No.: 12/224,619	:	
PCT No.: PCT/GB2007/001556	:	PAPERS
Int. Filing Date: 27 April 2007	:	
Priority Date: 09 May 2006	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 066079-5175-US	:	
For: TRISAZO COMPOUNDS, COMPOSITIONS	:	
AND INK JET PRINTING PROCESSES	:	

This is a decision on the renewed request for status under 37 CFR 1.42 filed by applicants on 23 January 2009.

BACKGROUND

On 27 April 2007, applicants filed international application PCT/GB2007/001556 which claimed a priority date of 09 May 2006 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 November 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 November 2008 (09 November 2008 being a Sunday).

On 02 September 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of inventors.

On 17 October 2008, applicants filed a corrected declaration of inventors. The indication that inventor Roy Bradbury is deceased was treated as a request for status under 37 CFR 1.42.

On 01 December 2008, a decision was mailed refusing applicant's request for status under 37 CFR 1.42.

On 23 January 2009, applicants filed the instant renewed request under 37 CFR 1.42 which was accompanied by a new declaration of inventors.

DISCUSSION

The submission filed 23 January 2009 has been reviewed and has been found in compliance with 37 CFR 1.42.

The declaration of inventors filed 23 January 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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1 4 NOV 2008

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

In re Application of YOUNG et al	:	
U.S. Application No.: 12/224,648	:	
PCT Application No.: PCT/US2006/044329	:	
Int. Filing Date: 15 November 2006	:	
Priority Date Claimed: 15 November 2005	:	DECISION
Attorney Docket No.: 3268.1015-003	:	
For: TREATING INFLAMMATORY	:	
DISORDERS WITH ANTIBODIES TO THE	:	
ALPHA-7 NICOTINIC RECEPTORS	:	

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Under 37 CFR §1.137(b)" filed 02 September 2008.

BACKGROUND

On 15 November 2006, applicant filed international application PCT/US2006/044329, which claimed priority of an earlier United States application filed 15 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 15 May 2008.

On 16 May 2008, international application PCT/US2006/044329 became abandoned as to the United States for failure to timely pay the basic national fee.

On 02 September 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

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

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

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

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

CONCLUSION

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

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

BryanLin
Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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CST

February 1, 2010

In re application of	:	DECISION ON REQUEST TO
Heekook Yang et al	:	PARTICIPATE IN PATENT
Serial No. 12/224,688	:	PROSECUTION HIGHWAY
Filed: April 10, 2009	:	PROGRAM AND
For: MIDDLE OR LARGE-SIZED	:	PETITION TO MAKE SPECIAL
BATTERY MODULE	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed on December 1, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from (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 KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

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

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

The request to participate in the PPH program and petition 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

2 3 FEB 2010

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of JOHNSON et al. Application No.: 12/224,693 PCT No.: PCT/GB07/00729 Int. Filing Date: 01 March 2007 Priority Date: 02 March 2006 Attorney Docket No.: 5926 P082 For: CANCER DETECTION SYSTEM	DECISION ON PETITION UNDER 37 CFR 1.182

This is a decision on applicants' "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" treated as a petition under 37 CFR 1.182 to change the name of inventor filed in the United States Patent and Trademark Office (USPTO) on 04 December 2009.

On 24 November 2008, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant, indicating that the declaration, in compliance with 37 CFR 1.497(a) and (b), identifying the international application number and international filing date, and the surcharge for filing the oath or declaration after the thirty month period was required.

On 26 January 2009, applicant filed a reply to the Notification of Missing Requirements including an executed declaration and the $130 surcharge.

On 08 September 2009, a Notification of Defective Response was mailed indicating that the declaration was not in compliance with 37 CFR 1.497(a) and (b) as it contained alterations. The notice also noted that a combined declaration was submitted in lieu of complete sets of declarations.

On 08 October 2009, applicant filed complete newly executed declarations. Applicant also filed a correction of the inventor's name, notifying the Office that the correct inventor's name is Dennis Wayne Chicken as indicated in the declaration filed 08 October 2009 rather than Wayne Chicken as incorrectly indicated in the international application. Applicant explains that this was a result of an error.

Applicant's submission is treated as a petition under 37 CFR 1.182, requesting correction of the name of inventor Dennis Wayne Chicken. A required petition fee of $400 will be charged to applicant's deposit account per his authorization.

The declarations submitted on 08 October 2009 meet the requirements of 37 CFR 1.497(a) and (b) and are acceptable.

The petition under 37 CFR 1.182 to correct the inventor's name to Dennis Wayne Chicken is **GRANTED**.

CONCLUSION

For the reasons above, the Request to Correct Inventor name to Dennis Wayne Chicken under 37 CFR 1.182 is **GRANTED**. The $400 petition fee is required and charged to applicant's deposit account.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 08 October 2009.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 272-0459

0 9 OCT 2008

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King & Spalding
Intellectual Property Dept Patents
1180 Peachtree Street NE
34th Floor
Atlanta GA 30309-3521

In re Application of	:	
FURBERG, et al.	:	
Application No.: 12/224,707	:	
PCT No.: PCT/SE07/00208	:	DECISION ON PETITION
Int. Filing Date: 02 March 2007	:	
Priority Date: 03 March 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 98901.000600	:	
For: POROUS LAYER	:	

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

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

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

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Womble Carlyle Sandridge & Rice
P O Box 7037
Atlanta GA 30357-0037

In re Application of:	:	
BOLLINGER, Pietro, et al.	:	
U.S. Application No.: 12/224,734	:	DECISION ON PETITION
PCT No.: PCT/EP2007/001507	:	
International Filing Date: 21 February 2007	:	
Priority Date: 23 February 2004	:	
Atty Docket No.: H-50054A	:	
For: ORGANIC COMPOUNDS	:	

The petition for revival under 37 CFR 1.137(b) filed 04 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/EP2007/001507 became abandoned with respect to the United States at midnight on 23 August 2008 based on applicants' failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

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

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

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

11 DEC 2009

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Charles R Hoffmann
Hoffmann & Baron
6900 Jericho Turnpike
Syosset NY 11791

In re Application of	:	
SCHULZ, et al.	:	
U.S. Application No.: 12/224,747	:	DECISION ON PETITION
PCT No.: PCT/EP2007/001266	:	
Int. Filing Date: 14 February 2007	:	UNDER 37 CFR 1.182
Priority Date: 06 March 2006	:	
Attorney's Docket No.: 442-304 PCT/US	:	
For: MULTICOUPLING DEVICE	:	

This decision is in response to applicant's petition under 37 CFR 1.182 filed 09 November 2009 in the United States Patent and Trademark Office (USPTO). As authorized payment of the $400.00 petition fee will be charged to deposit account number 08-2461.

BACKGROUND

On 14 February 2007, applicant filed international application PCT/EP2007/001266 which claimed priority of an earlier application filed 06 March 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 13 September 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 06 September 2008.

On 04 September 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application; a first preliminary amendment; and an Information Disclosure Statement.

On 19 September 2008, applicant filed a signed combined declaration and power of attorney.

On 08 September 2009, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was advised that the declaration filed 19 September 2009 listed different last names for two of the inventors. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 09 November 2009, applicant filed the present petition under 37 CFR .1182 to change

the names of inventors Viola Weckardt and Monika Orendi. 08 November 2009 being a Sunday, the petition is considered timely filed.

DISCUSSION

The present petition is accompanied by a statement setting forth the procedure whereby the change of names was effected; namely by marriage. The statement is executed by both inventors identifying their current married names and their maiden names. As such, it is appropriate to grant applicant's petition at this time. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have now been satisfied.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventors names from Viola Weckardt to Viola Amiridis and from Monika Orendi to Monika Scherer is **GRANTED**.

The application has an international filing date of 14 February 2007 under 35 U.S.C. 363 and will be given a date of **19 September 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

Derek A. Putonen
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Office of PCT Legal Administration
Tel: (571) 272-3294

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QUINN EMANUEL URQUHART OLIVER
& HEDGES
865 S. FIGUEROA STREET
10TH FLOOR
LOS ANGELES, CA 90017

MAILED

NOV 23 2009

OFFICE OF PETITIONS

Applicant: Jose Luis Jimenez de Castro
Appl. No.: 12/224,764
International Filing Date: March 6, 2006
Title: MODULAR BEARING UNIT
Attorney Docket No.: 22361-890A 4168 PCT
Pub. No.: US 2009/0074340 A1
Pub. Date: March 19, 2009

This is a decision on the request entitled "Request For Deleting Assignee Information" filed June 29, 2009 for the above identified application. This request is being treated as a request for a corrected patent application publication under 37 CFR 1.221(b).

The request is DISMISSED.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable**." 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 assignee listed on the first page of the publication "Gil-Vega" is the name taken from the ADS filed September 5, 2008.

On December 10, 2008 and January 27, 2009, filing receipts was mailed by the Office which listed Gil-Vega as the assignee of record. 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.

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

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

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

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/224,764	09/05/2008	Jose Luis Jimenez De Castro	22361/890A 4168 PCT	2618

7590 03/12/2010
Quinn Emanuel Urquhart Oliver & Hedges
865 S Figueroa Street
10th Floor
Los Angeles, CA 90017

EXAMINER
CHARLES, MARCUS

ART UNIT	PAPER NUMBER
3656	

MAIL DATE	DELIVERY MODE
03/12/2010	PAPER

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

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

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Quinn Emanuel Urquhart Oliver & Hedges
865 S Figueroa Street
10th Floor
Los Angeles CA 90017

Applicant: Jimenez De Castro
Appl. No.: 12/224,764
Filing Date: September 5, 2008
Title: MODULAR BEARING UNIT
Attorney Docket No.: 22361/890A 4168 PCT
Pub. No.: US 2009/0074340 A1
Pub. Date: March 19, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on March 1, 2010, for the above-identified application.

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

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

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because the Applicant submitted the papers in paper rather than via the electronic filing system.. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Kearth

Office of Data Management
United States Patent & Trademark Office

03/12/2010 KKING1 00000001 111445 12224764
01 FC:1803 130.00 DA

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JUL 26 2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re application of
Takahito Mori
Application No. 12/224,842
Filed: October 3, 2010
For: VEHICLE WINDOWPANE HOLDER AND METHOD OF PRODUCING VEHICLE WINDOW ASSEMBLY USING THE SAME

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 21, 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 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).

The request to participate in the PPH pilot program and petition fail to include:
(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; no copies of the above are found in the file.
(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); see (2) above.
(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;

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 Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 07/23/10

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17 FEB 2009

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of	:	
KIM, Yeon-Hwan, et al.	:	
Application No.: 12/224,877	:	
PCT No.: PCT/KR07/01174	:	DECISION ON PAPERS
Int. Filing Date: 09 March 2007	:	
Priority Date: 10 March 2006	:	UNDER 37 CFR 1.42
Attorney Docket No.: 29137.370.00	:	
For: TETRAPHENYLNAPHALENE	:	
DERIVATIVES AND ORGANIC LIGHT	:	
EMITTING DIODE USING THE SAME	:	

This decision is in response to applicant's "SUBMISSION OF A SUPPLEMENTAL DECLARATION" filed 12 November 2008 in the United States Patent and Trademark Office (USPTO). The filed declaration is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 09 March 2007, applicant filed international application PCT/KR07/01174 which claimed priority to an earlier application filed 10 March 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 20 September 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 10 September 2008.

On 09 September 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement; an Application Data Sheet and a combined declaration and power of attorney executed by six of the seven listed inventors.

On 12 November 2008, applicant filed the supplemental declaration discussed herein.

DISCUSSION

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

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

The declaration submitted on 12 November 2008 was executed by So-Yeon Choi as legal representative of the estate of deceased inventor, Sung Jin Yeo. The declaration provides the citizenship, residence and mailing address for both the deceased inventor and the signing legal representative per 37 CFR 1.497(a)(3). In addition, the declaration properly identifies and has been signed by the remaining inventors. As such, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 09 March 2007 and will be given a date of **12 November 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

1 6 JAN 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of:	:	
SATO, Katsuhisa	:	DECISION
U.S. Application No.: 12/224,884	:	
PCT No.: PCT/JP2007/052578	:	
International Filing Date: 14 February 2007	:	
Priority Date: 15 March 2006	:	
Atty Docket No.: 73-001-TN	:	
For: DISC PLAYER	:	

This decision is issued in response to the "Request For Corrected Acceptance Of Application Under 35 U.S.C. 371 and 37 CFR 1.495" filed 21 November 2008, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date listed thereon. No petition fee is required.

BACKGROUND

On 14 February 2007, applicant filed international application PCT/JP2007/052578. The international application claimed a priority date of 15 March 2006, and it designated the United States. On 27 September 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was 15 September 2008, i.e., thirty months from the priority date (14 September 2008 was a Sunday).

On 09 September 2008, applicants filed a Transmittal Letter containing an express request to begin national examination proceedings in PCT/JP2007/052578 accompanied by, among other materials, payment of the basic national fee, a translation into English of the international application, and an executed declaration.

On 07 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" as 09 September 2008 and the "Date Of Completion Of All U.S.C. 371 Requirements" as 15 September 2008. Also on 07 November 2008, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 09 September 2008.

On 21 November 2008, applicants filed the "Request For Corrected Acceptance Of Application Under 35 U.S.C. 371 and 37 CFR 1.495" treated herein as a petition under 37 CFR 1.181. The petition requests that the "Date Of Completion Of All U.S.C. 371 Requirements" listed on the Form PCT/DO/EO/903 be corrected to 09 September 2008.

DISCUSSION

Section 1893.03(b) of the MPEP sets forth how the appropriate "Date Of Completion Of All U.S.C. 371 Requirements" listed on the Notification Of Acceptance (Form PCT/DO/EO/903) is determined:

> The "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is relevant for purposes of patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)(II) and 37 CFR 1.702(a)(1) when the USPTO has failed to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the requirements under 35 U.S.C. 371 were fulfilled. This date is the latest of:
>
> (A) the date of submission of the basic national fee;
>
> (B) the date of submission or communication of the copy of the international application;
>
> (C) the date of submission of the translation of the international application if the international application is not in the English language;
>
> (D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371 (c)(4) (see 37 CFR 1.497(c) for an explanation of when an oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4));
>
> (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);
>
> (F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring either an English translation of the international application or an oath or declaration; and
>
> (G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.

Pursuant to the above rule, the appropriate "Date Of Completion Of All U.S.C. 371 Requirements" here is 09 September 2008 (based on applicants submission thereon of the basic national fee, a translation of the international application, an executed declaration, and a request for early processing under 35 U.S.C. 371(f)).[1] The Notification Of Acceptance mailed 07 November 2008, which incorrectly identified the "Date Of Completion Of All U.S.C. 371 Requirements" as 15 September 2008, is therefore appropriately vacated.

As requested by applicant in the present petition, a corrected Notification Of Acceptance (Form PCT/DO/EO/903) will be issued that properly identifies the "Date Of Completion Of All U.S.C. 371 Requirements" as 15 September 2008.

---

[1] As noted above, a copy of the international application was previously communicated to the USPTO by the IB.

CONCLUSION

The petition under 37 CFR 1.181 to correct the "Date Of Completion Of All U.S.C. 371 Requirements" listed on the "Notification Of Acceptance" (Form PCT/DO/EO/903) is **GRANTED**.

This correct "Date Of Completion Of All U.S.C. 371 Requirements" for the present application is 09 September 2008.

The Notification Of Acceptance mailed 07 November 2008, which incorrectly identified the "Date Of Completion Of All U.S.C. 371 Requirements" as 15 September 2008, is hereby **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a corrected "Notification Of Acceptance" (Form PCT/DO/EO/903) correctly identifying both the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 09 September 2008.

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

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15 OCT 2009

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of OREN et al.	:
Application No.: 12/224,943	: DECISION ON
PCT No.: PCT/IL07/00335	:
Int. Filing: 14 March 2007	: DECLARATION
Priority Date: 17 March 2006	:
Attorney Docket No.: 44584	:UNDER 37 CFR 1.497(a) & (b)
For: SURGICAL INSTRUMENT AND	:
METHOD FOR ATTACHING SOFT TISSUE	:
TO A BONE	:

This is a decision on applicant's response to a Notification of Missing Requirements, filed in the United States Patent and Trademark Office (USPTO) on 16 March 2009.

On 22 January 2009, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period was required.

On 16 March 2009, applicant filed a declaration, executed by the joint inventors as identified on the published international application. The declaration executed by the inventors is acceptable and meets the requirements to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 16 March 2009.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
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UNITED STATES PATENT AND TRADEMARK OFFICE

16 OCT 2008

Commissioner for Patents
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23363
CHRISTIE, PARKER & HALE, LLP
P.O. Box 7068
Pasadena, CA 91109-7068

In re Application of FRAUTSCHY *et al* U.S. Application No.: 12/225,005 PCT No.: PCT/US2007/005829 Int. Filing Date: 06 March 2007 Priority Date: 06 March 2006 Docket No.: 59391P/R268 For: BIOAVAILABLE CURCUMINOID FORMULATIONS FOR TREATING ALZHEIMER'S DISEASE AND OTHER AGE-RELATED DISORDERS	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 10 September 2008 is hereby **GRANTED** as follows:

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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THORPE NORTH & WESTERN, LLP
P.O. BOX 1219
SANDY, UT 84091-1219

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MAY 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Bret S. Rasmussen, et al.	:	
Application No. 12/225,049	:	DECISION ON PETITION
Filed: September 11, 2008	:	TO WITHDRAW
Attorney Docket No. 3006-001.PCT.US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed December 29, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Thorpe, North & Western, LLP 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 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: BRET S. RASMUSSEN
1217 EAST MATTHEW AVENUE
SALT LAKE CITY, UT 84121

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CST

November 24, 2009

In re application of Yoo-young Jung et al Serial No. 12/225,174 Filed: September 12, 2008 For: METHOD FOR PREPARATION OF 1-ALKENE-ACRYLATE BASED COPOLYMERS	: : : : : : :	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 on September 18, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from (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 KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

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

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

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

The application is currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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30 OCT 2009

TIMOTHY M. MORELLA
MOLEX INCORPORATED
2222 WELLINGTON COURT
LISLE, IL 60532

In re Application of:	
SUZUKI, TERUHITO et al.	
US Application No.: 12/225,212	DECISION ON
PCT Application No.: PCT/US2007/006675	
Int. Filing Date: 16 March 2007	
Priority Date: 16 March 2006	REQUEST UNDER
Atty Docket No.: A6-270US	
For: FPC JOINING CONNECTOR	
	37 CFR 1.497(d)

This is a decision on petitioner's "PETITION TO CORRECT INVENTORSHIP" filed on 25 August 2009, which is being treated as a request under 37 CFR 1.497(d) to add a joint inventor into the application.

BACKGROUND

On 16 March 2007, applicants filed international application No. PCT/US2007/006675 and claiming priority date of 16 March 2006.

On 16 September 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed declaration was submitted at such time.

On 09 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicants that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date" has not been provided and required applicants to furnish the missing item.

On 25 August 2009, applicants filed a declaration and the present petition to add an inventor to the application.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

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

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter)

A review of the application file reveals that applicants have satisfied item (1)-(3) under 37 CFR 1.497(d).

With respect to item (1), the statement submitted by Cong Li is sufficient because the error in inventorship occurred without any deceptive intent.

With respect to item (2), the processing fee of $130 has been charged to the deposit account No. 501873

With respect to item (3), Molex Incorporated, the assignee, consents to the correction of inventorship to the above application and it has filed the requisite papers establishing its right to take action under 37 CFR §3.73(b), since the assignment has been recorded in USPTO at Reel 023110, Frame 0586.

CONCLUSION

For the reasons above, applicants' petition under 37 CFR 1.497(d) is **GRANTED**.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision. The 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date is 25 August 2009.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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4320 WINFIELD RD SUITE 200
WARRENVILLE IL 60555

MAILED

MAY 20 2010

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Lankford et al.	:	TO WITHDRAW
Application No. 12/225,218	:	FROM RECORD
Filed: September 15, 2008	:	
Attorney Docket No. TBD002	:	

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 12, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Deborah Neville does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable. Further, a review of USPTO records reveals that the Transmittal Letter filed September 15, 2008 was improperly recorded as a Power of Attorney by the USPTO. Currently, there is no Power of Attorney in the above-identified application.

The request to change the correspondence address of record is not accepted in view of Deborah Neville not having power of attorney. See MPEP §§ 601.03 and 405.

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

Further, a courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: DEBORAH NEVILLE
PO BOX 61063
PALO ALTO CA 94306

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APR 05 2010

OFFICE OF PETITIONS

JAMES C WRAY
1493 CHAIN BRIDGE ROAD
SUITE 300
MCLEAN VA 22101

In re Application of	:	
Asada, et al.	:	
Application No. 12/225,229	:	ON PETITION
Filed: September 16, 2008	:	
Attorney Docket No. NIWA	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 1, 2010.

The petition under 37 CFR 1.181 is **GRANTED**.

The above-identified application was held abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed October 6, 2009. This Notice set a statutory period of three months for issue fee transmittal. No issue fee having been received, the application became abandoned on January 7, 2010. A Notice of Abandonment was mailed on January 27, 2010.

37 CFR 1.8(b) states:

> (b) 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 Patent and Trademark Office, and the application is held to be abandoned or 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 Commissioner 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.

On petition, applicants have submitted a copy of an Issue Fee Transmittal (PTOL-85B) bearing a Certificate of Transmission dated January 5, 2010. The Issue Fee Transmittal itemized a credit card authorization form.

In view of the above, the holding of abandonment is **WITHDRAWN**.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

Receipt of the issue fee, submitted with the instant petition, is acknowledged.

The application is being forwarded to the Office of Data Management for processing into a patent.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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16 OCT 2008

Mark L. Weber
Renner, Kenner, Greive, Bobak, Taylor & Weber
Fourth Floor, First National Tower
Akron, Ohio 44308-1456

In re Application of:	:	
Pisaniello, Luigi Luke	:	DECISION
Application No.: 12/225,339	:	
PCT Application No.: PCT/AU06/01918	:	ON PETITION
Int. Filing Date: 18 December 2006	:	
Priority Date: 19 December 2005	:	UNDER
Atty Docket No.: CCO.P7	:	
For: SEATBELT RESTRAINT	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 19 September 2008.

BACKGROUND

On 18 December 2006, applicant filed international application PCT/AU06/01918. The international application claims a priority date of 19 December 2005 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 19 June 2008. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 19 June 2008.

On 19 September 2008, applicant filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, a check for the requisite national stage fee as required by 35 U.S.C. 371(c)(1), a declaration of the inventor as required by 35 U.S.C. 371(c)(4), and the petition fee as required by 37 CFR 1.17(m).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b)

must be accompanied by (1) a proper reply, (2) the petition fee required by law (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

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

CONCLUSION

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

The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Boris Milef
PCT Legal Examiner
PCT Legal Administration

Helen L. Pezzuto
Detailee
PCT Legal Administration
Telephone: (571) 272-6094

5 AUG 2009

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of	:	DECISION ON
NAMAI et al:		
Application No.: 12/225,371	:	
PCT No.: PCT/JP2006/057009	:	
Int. Filing Date: 30 March 2007	:	PETITION
Priority Date: 03 April 2006	:	
Attorney's Docket No.: 034884-5003US	:	
For: HALL ELEMENT AND MAGNETIC	:	
SENSOR	:	UNDER 37 CFR 1.182

This decision is in response to the "Transmission filing" filed on 19 September 2008, which is being treated as a petition under 37 CFR 1.182 to correct PCT serial number from the entry of PCT/JP2007/057009 to PCT/JP2007/057099. Applicants have not paid the petition fee of $400.00.

BACKGROUND

On 30 March 2007, this international application was filed, claiming an earliest priority date of 03 April 2006.

On 19 September 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied, inter alia, by the requisite basic national fee as required by 35 U.S.C. 371 (c)(1), and an executed declaration of the inventor.

However, the incorrect PCT number was submitted at the time of filing.

DISCUSSION

Applicants have entered the incorrect PCT serial number, PCT/JP2007/057009, at the time of filing the national application. Applicants will need to correct the incorrect PCT serial number and explain the error.

Once the petition is granted the correct number will be reflected in the filing receipt.

DECISION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182," and the petition must be paid.

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

19 OCT 2009

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of	:	DECISION ON
NAMAI et al	:	
Application No.: 12/225,371	:	
PCT No.: PCT/JP2007/057099	:	
Int. Filing Date: 30 March 2007	:	PETITION
Priority Date: 03 April 2006	:	
Attorney's Docket No.: 034884-5003US	:	
For: HALL ELEMENT AND MAGNETIC	:	
SENSOR	:	UNDER 37 CFR 1.182

This decision is in response to the "PETITION UNDER 37 CFR 1.182 TO CORRECT RECORD WITH REGARD TO INTERNATIONAL APPLICATION NUMBER" filed on 19 August 2009, to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/JP2007/057099. Petitioner has been charged the petition fee of $400.00 to the Deposit Account No.: 50-0310.

BACKGROUND

In a decision from this Office on 05 August 2009, the petition filed on 19 September 2008 was dismissed.

On 19 August 2009, petitioner filed the current petition.

DISCUSSION

Petitioner states that the PCT number was unintentionally entered as PCT/JP2007/057009 rather than the correct number PCT/JP2007/057099.

Although applicants entered the incorrect PCT serial number at the time of filing the application, the correct PCT number PCT/JP2007/057099 was placed in the executed declaration. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/JP2007/057099.

Therefore, the petition to accept the correct PCT number of PCT/JP2007/057099 for the instant application is granted, and will be reflected in the filing receipt.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

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

Rafael Bacares
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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.
12/225,427	09/22/2008	Thomas Türke	W1.2709 PCT-US	8110

23294 7590 04/23/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
04/23/2010	PAPER

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

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

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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of	
TüRKE et at.	**: DECISION ON REQUEST TO**
Application No.: 12/225,427	**: PARTICIPATE IN THE PATENT**
Filed: 22 September 2008	**: PROSECUTION HIGHWAY PILOT**
Attorney Docket No.: W1.2709 PCT-US	**: PROGRAM AND PETITION**
For: METHOD FOR ADJUSTING AN	**: TO MAKE SPECIAL UNDER**
INKING UNIT OF A PRINTING PRESS	**: 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 18 March 2010 and supplemented on 19 March 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO 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 EPO 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 EPO 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 EPO examiner in the EPO 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).

Conditions (1)-(2), (4), and (6)-(7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3) and (5).

Regarding the requirement of condition (3), applicant has failed submit a translation of the allowable claims in the EPO PCT application. Accordingly, it cannot be determined if the claims of the instant application sufficiently correspond to the allowable claims in the EPO PCT application.

Regarding the requirement of condition (5), applicant has failed submit a translation of the office actions in the EPO PCT application.

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.REQUEST. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/225,427	09/22/2008	Thomas Türke	W1.2709 PCT-US	8110

23294 7590 06/25/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER
HINZE, LEO T

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
06/25/2010	PAPER

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

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

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P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of	
TüRKE et at.	**: DECISION ON REQUEST TO**
Application No.: 12/225,427	**: PARTICIPATE IN THE PATENT**
Filed: 22 September 2008	**: PROSECUTION HIGHWAY PILOT**
Attorney Docket No.: W1.2709 PCT-US	**: PROGRAM AND PETITION**
For: METHOD FOR ADJUSTING AN	**: TO MAKE SPECIAL UNDER**
INKING UNIT OF A PRINTING PRESS	**: 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 18 March 2010, supplemented on 19 March 2010 and renewed on 24 May 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

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

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

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

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

15 OCT 2008

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

In re Application of	:	
RIDDLE, et al.	:	
U.S. Application No.: 12/225,457	:	DECISION ON PETITION
PCT No.: PCT/EP06/09575	:	
Int. Filing Date: 04 October 2006	:	UNDER 37 CFR 1.137(b)
Priority Date: 11 October 2005	:	
Attorney Docket No.: 4179.1012-002	:	
For: INTERACTIVE HOLOGRAPHIC SECURITY ELEMENT	:	

The petition to revive under 37 CFR 1.137(b) filed 22 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
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530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

In re Application of RIDDLE et al	:	
U.S. Application No.: 12/225,458	:	
PCT Application No.: PCT/EP2006/009576	:	
Int. Filing Date: 04 October 2006	:	
Priority Date Claimed: 11 October 2005	:	DECISION
Attorney Docket No.: 4179.1013-002	:	
For: MULTIPLE SECURITY MEANS	:	
COMPRISING AN INTERACTIVE	:	
SECURITY ELEMENT	:	

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Under 37 CFR § 1.137(b)" filed 22 September 2008.

BACKGROUND

On 04 October 2006, applicant filed international application PCT/EP2006/009576, which claimed priority of an earlier European Patent Office application filed 11 October 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 19 April 2007. The thirty-month period for paying the basic national fee in the United States expired on 11 April 2008.

On 12 April 2008, international application PCT/EP2006/009576 became abandoned as to the United States for failure to timely pay the basic national fee.

On 22 September 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in

filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

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

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

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

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

CONCLUSION

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

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

BryanLin

Bryan Lin
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PCT Legal Office

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United States Patent and Trademark Office

0 8 DEC 2008

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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of Sato et al. Application No. 12/225,536 PCT No.: PCT/JP2006/323842 Int. Filing Date: 29 November 2006 Priority Date: 01 December 2005 Att. Docket No.: 05435.0079 For: Occupant Protection Device	:	DECISION

The petition to revive under 37 CFR 1.137(b) filed on 24 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required fees and documents to enter the national phase from the due date for entering the national phase until the filing of this grantable petition, was unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement is not correct. Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

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

The declaration filed on 24 September 2008 is suitable for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the Office of Patent Application Processing for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **24 September 2008.**

/George Dombroske/
George Dombroske
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14 NOV 2008

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HARNESS, DICKEY & PIERCE, P.L.C.
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BLOOMFIELD HILLS MI 48303

In re Application of DREES	:	
Application No.: 12/225,613	:	
PCT No.: PCT/EP06/12151	:	DECISION ON
Int. Filing: 16 December 2006	:	
Priority Date: 19 January 2006	:	PETITION TO REVIVE
Attorney Docket No.:6178T-000149/US/NP	:	
For: DEVICE FOR HOLDING AND POSITIONING IMPLEMENTS, WORKPIECES AND TOOLS	:	UNDER 37 CFR 1.137(b)

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

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

A review of the application file reveals that the basic national fee of $310 has now been provided. The required petition fee of $1540 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

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0 2 DEC 2008

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HORST M. KASPER
13 FOREST DRIVE
WARREN, NJ 07059

In re Application of KREFT	:	
U.S. Application No.: 12/225,678	:	
PCT Application No.: PCT/EP2007/001673	:	
Int. Filing Date: 27 February 2007	:	
Priority Date Claimed: 27 February 2006	:	DECISION
Attorney Docket No.: MSA 275	:	
For: METHOD FOR RECORDING AND	:	
VISUALISING TRAINABLE PERFORMANCE	:	
FEATURES AND/OR CHARACTERISTICS	:	

This is in response to applicant's "Petition for Revival of Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 26 September 2008.

BACKGROUND

On 27 February 2007, applicant filed international application PCT/EP2007/001673, which claimed priority of an earlier Germany application filed 27 February 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 07 September 2007. The thirty-month period for paying the basic national fee in the United States expired on 27 August 2008.

On 28 August 2008, international application PCT/EP2007/001673 became abandoned as to the United States for failure to timely pay the basic national fee.

On 26 September 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

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

With regard to item (2), although the petition states that the requisite petition fee is enclosed, there is no record of the petition fee being received. Therefore, the petition fee will be charged to Deposit Account No. 11-0224 as authorized in the transmittal letter accompanying the petition.

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

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

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a proper oath or declaration in compliance with 37 CFR 1.497 must be filed.[1]

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

[1] The declarations filed 26 September 2008 and 09 October 2008 are not in compliance with 37 CFR 1.69(b). Specifically, the declarations do not use an official form provided by the USPTO, i.e. USPTO Form PTO/SB/103. Applicant must submit either: (1) a declaration using the official USPTO form or (2) a statement that the translations contained in the submitted declarations are accurate.

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of ROMAN (deceased) Serial No.: 12/225,723 PCT No.: PCT/EP07/52919 Int. Filing Date: 27 March 2007 Priority Date: 31 March 2006 Atty. Docket No.: P72842US0 For: ELASTIC REWINDING HOSE REEL...	DECISION ON DECLARATION UNDER 37 CFR 1.42

This is in response to applicant's Declaration which was filed in the United States Patent and Trademark Office on 29 September 2008.

BACKGROUND

On 29 September 2008, applicant filed a transmittal Letter requesting entry into the U.S. national stage for PCT/EP07/52919, along with the basic national fee and declaration.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative. The declaration must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

The executed declaration submitted on 29 September 2008, identified the deceased inventor Gianfranco Roman and identified Franca Serafin and Giada Roman as the heirs of deceased inventor. Petitioner also submitted an Italian document (with English translation) indicating that Franca Serafin is the deceased inventor's wife and Giada Roman is the deceased inventor's daughter and that "there are no other persons having rights on the above mentioned succession or on properties which form the succession." This document supports the conclusion that Franca Serafin and Giada Roman are the only heirs of deceased inventor Roman. If they are not the only heirs, the declaration must be executed by all of the heirs of the deceased inventor. It appears that no legal representative of the deceased's estate has been appointed or is statutorily

required to be appointed. (Applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.)

The requirements of 37 CFR 1.497 (a) and (b) have been met and the declaration is acceptable as filed. Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 and 37 CFR 1.497(b) is **GRANTED.**

The application will be forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

Cynthia M. Kratz

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2 0 OCT 2009

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

In re Application of JEON et al	:	
U.S. Application No.: 12/225,728	:	
PCT Application No.: PCT/KR2007/001582	:	
Int. Filing Date: 30 March 2007	:	DECISION
Priority Date Claimed: 30 March 2006	:	
Attorney Docket No.: 46500-000624/US/NPD	:	
For: A METHOD AND APPARATUS FOR	:	
DECODING/ENCODING A VIDEO SIGNAL	:	

This is in response to applicant's correspondence filed 31 July 2009, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 30 March 2007, applicant filed international application PCT/KR2007/001582, which claimed priority of an earlier United States application filed 30 March 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 11 October 2007. The thirty-month period for paying the basic national fee in the United States expired on 30 September 2008.

On 29 September 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 09 June 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 31 July 2009, applicant filed the present request for status under 37 CFR 1.42 along with executed declarations.

DISCUSSION

The declarations state that joint inventor Han Suh Koo is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 31 July 2009 fails to state one of the citizenship of the deceased inventor as required by 37 CFR 1.497(a)(3) and the citizenship of the legal representative as required by 37 CFR 1.497(b)(2). Applicant is advised that a singular indication of the citizenship in the signature block cannot be used for both purposes.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

2 JUL 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

In re Application of	:	
TAKEDA et al.	:	
Application No.: 12/225,729	:	DECISION
PCT No.: PCT/JP2007/056580	:	
Int. Filing Date: 28 March 2007	:	
Priority Date: 31 March 2006	:	
Attorney Docket No.: 29730U	:	
For: CARBON NANOTUBE ELECTRIC FIELD	:	
EFFECT TRANSISTOR AND PROCESS FOR	:	
PRODUCING THE SAME	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 24 April 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 28 March 2007, applicants filed international application PCT/JP2007/056580, which designated the United States and claimed a priority date of 31 March 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 11 October 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2008.

On 29 September 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

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

On 24 April 2009, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time, three declarations of inventors, a statement of facts by Shinya Suzuki, a copy of a letter dated 02 September 2008 from Shinya Suzuki to non-signing inventor Makoto Sawamura and an English translation thereof.

DISCUSSION

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

Items (1), (3), and (4) have been satisfied. However, item (2) has not been satisfied. Copies of documentary evidence of confirmation of delivery for the letter sent to non-signing inventor have not been provided.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. A proper response must specify whose signature is below non-signing inventor Fergus Francis Murray's name. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
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THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

In re Application of	:	
TAKEDA et al.	:	
Application No.: 12/225,729	:	DECISION
PCT No.: PCT/JP2007/056580	:	
Int. Filing Date: 28 March 2007	:	
Priority Date: 31 March 2006	:	
Attorney Docket No.: 29730U	:	
For: CARBON NANOTUBE ELECTRIC FIELD	:	
EFFECT TRANSISTOR AND PROCESS FOR	:	
PRODUCING THE SAME	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 28 September 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 28 March 2007, applicants filed international application PCT/JP2007/056580, which designated the United States and claimed a priority date of 31 March 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 11 October 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2008.

On 29 September 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

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

On 24 April 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time, three declarations of inventors, a statement of facts by Shinya Suzuki, a copy of a letter dated 02 September 2008 from Shinya Suzuki to non-signing inventor Makoto Sawamura and an English translation thereof.

On 02 July 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 28 September 2009, appliants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time, a copy of a letter dated 03 August 2009 from Washida & Associates to non-signing inventor Makoto Sawamura, a copy of tracking results in English for correspondence sent to Mr. Sawamura, and a copy of a letter dated 25 September 2009 from Washida & Associates to The Nath Law Group.

DISCUSSION

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

As noted in the decision mailed 02 July 2009, items (1), (3), and (4) have been satisfied.

Item (2) has now been satisfied as well. It has been established that the application papers were presented to the non-signing inventor Makoto Sawamura (copy of tracking results in English). Mr. Sawamura's conduct (i.e., his failure to return the signed declaration) constitutes a refusal to sign. (Although the letter dated 25 September 2009 indicates that Mr. Sawamura refused to sign the documents, a first-hand statement by the person to whom the refusal was made has not been presented.)

CONCLUSION

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

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of

PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **24 April 2009**.

/Daniel Stemmer/

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2 6 OCT 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mr. Makoto Sawamura
Jingumae 5-16-5, Shibuya-ku
Tokyo JAPAN 150-0001

In re Application of
TAKEDA et al.
Application No.: 12/225,729
PCT No.: PCT/JP2007/056580
Int. Filing Date: 28 March 2007
Priority Date: 31 March 2006
Attorney Docket No.: 29730U
For: CARBON NANOTUBE ELECTRIC FIELD EFFECT TRANSISTOR AND PROCESS FOR PRODUCING THE SAME

Dear Mr. Sawamura:

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

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

/Daniel Stemmer/

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

In re Application of	:	
JEON, Byeong Moon et al.	:	
US Application No.: 12/225,732	:	DECISION ON
PCT Application No.: PCT/KR2007/001584	:	
Int. Filing Date: 30 March 2007	:	
Priority Date: 30 March 2006	:	REQUEST UNDER
Atty Docket No.: 46500-000624/US/NPF	:	
For: A METHOD AND APPARATUS FOR DECODING	:	
/ENCODING A VIDEO SIGNAL	:	37 CFR 1.42
	:	

This decision is issued in response to the declaration filed on 31 July 2009, which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 30 March 2007, applicants filed international application No. PCT/KR2007/001584 and claiming priority date of 30 March 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 October 2007. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2008.

On 29 September 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed declaration was submitted at such time.

On 31 July 2009, applicants filed a combined declaration/power of attorney signed by all joint inventors except the deceased inventor Mr. Han-Suh Koo.

DISCUSSION

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

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

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

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to revised 37 CFR 1.497(b)(2), in addition to the name and citizenship of the deceased inventor referenced under 37 CFR 1.497(a)(3) and 37 CFR 1.63, the declaration must also provide name, residence, citizenship, and post office address for the legal representative. The declaration filed on 31 July 2009 provides the residence, citizenship, and post office address for the legal representative. However, the citizenship of the deceased inventor is missing. Accordingly, the declaration is not in compliance with 37 CFR 1.497(b)(2).

CONCLUSION

For the reasons above, applicants' petition under 37 CFR 1.497(d) is **Dismissed without prejudice**.

Applicants are required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within TWO (2) MONTHS from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42" and must include an acceptable declaration under 37 CFR 1.497.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Shian Luong
PCT Special Programs Examiner
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Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT and TRADEMARK OFFICE

17 MAR 2010

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COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

In re Application of Hamilton et al Application No.: 12/225,751 PCT No.: PCT/US07/005169 Int. Filing Date: 28 February 2007 Priority Date: 12 April 2006 Attorney Docket No.: 6206/74262-A-PCT-US For: METHOD FOR MEASURING RETAIL DISPLAY AND COMPLIANCE	DECISION

This decision is in response to applicants' "COMMUNICATION IN RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE," which is being treated as a petition under 37 CFR 1.182, filed on 07 December 2009 indicating that the executed declaration filed on 02 October 2009 contains the correct name of the inventor's name, which is Donald E. Campbell. The petition fee under 37 CFR 1.182 of $400.00 has been charged to petitioner's Deposit Account No.: 03-3125.

BACKGROUND

On 26 September 2008, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee, but no executed declaration was filed at that time.

On 21 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date." The notification indicated that a oath or declaration must be submitted within two (2) months from the date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 02 October 2009, applicants filed an improper executed declaration.

On 20 November 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916).

On 25 November 2009, applicants submitted the current petition stating that the correct name of the fifth joint inventor is Donald E. CAMPBELL as indicated in the submitted declaration, and not as published in the International application, Donald E Campell.

DISCUSSION

The correct name of the fifth joint-inventor is as filed in the executed declaration on 02 October 2009 as Donald E. CAMPBELL, not as published in the international application. It is stated his that Donald E. CAMPBELL's name was incorrectly spelled in the international application but the name has now has been corrected. Accordingly, the correct name, Donald E. CAMPBELL, now appears in the declaration as filed on 02 October 2009 to the USPTO.

For the reasons above, the application may enter into national stage processing at this time.

DECISION

For the reasons above, the petition under 37 CFR 1.182 is **GRANTED** that the correct spelling of the inventor is Donald E. **CAMPBELL**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **02 October 2009.**

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Commissioner for Patents
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CST

April 29, 2009

In re application of Hiroyasu Hagi Serial No. 12/225,752 Filed: September 29, 2008 For: FLAMEPROOF UNION FABRIC FOR CHAIR UPHOLSTERY	: : : : : : :	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) to make the above-identified application special, filed March 5, 2009.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of:

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

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

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

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

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

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

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

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

It is noted that the JPO application with similar claims (Japanese Patent Application No. 2008-509875) is not the same application from which the U.S. application claims priority (Japanese Patent Application No. 2006-105728) and that applicant has not identified the relationship between the JPO application with similar claims and the JPO application from which the U.S. application claims priority. However, based upon a review of the documents filed in Japanese Patent Application No. 2008-509875 via the Dossier Access System, it appears that the present application and Japanese patent Application No. 2008-509875 are both national stage applications of the same PCT which claims priority to Japanese Patent Application No. 2006-105728. It is suggested

that future requests to participate in the Patent Prosecution Highway should clearly explain the relationship between the application with the allowed claims and the priority application if these two applications are not the same.

The application is currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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21 OCT 2008

Renner Kenner Greive Bobak Taylor & Weber
First National Tower Fourth Floor
106 S. Main Street
Akron, OH 44308

In re Application of	:	
HAUKIOJA et al.	:	
U.S. Application No. 12/225,782	:	
PCT No.: PCT/FI07/50121	:	
Int. Filing Date: 06 March 2007	:	
Priority Date: 08 March 2006	:	DECISION ON PETITION
Attorney Docket No.: LET.P0003	:	
For: ARRANGEMENT AND METHOD FOR DEHUMIDIFYING GREENHOUSE AIR AND A GREENHOUSE	:	

The petition to revive under 37 CFR 1.137(b) filed 29 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

Anthony Smith
Attorney-Advisor
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Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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John Shimazaki
P.O. Box 650741
Sterling VA 20165

In re Application of:	:	
ENIS, Ben, M., et al.	:	DECISION ON PETITION
U.S. Application No.: 12/225,854	:	(37 CFR 1.10)
PCT No.: PCT/US2007/008183	:	
International Filing Date: 30 March 2007	:	
Priority Date: 05 April 2006	:	
Atty Docket No.: None	:	
For: DESALINATION METHOD AND SYSTEM USING COMPRESSED AIR ENERGY SYSTEMS	:	

This decision is issued in response to the "Petition Under 37 CFR 1.10 For The Patent Office To Recognize The Filing Of A Request For Entry Into The National Phase Of International Application Under 35 U.S.C. 371" filed on 10 February 2009. No petition fee is required.

BACKGROUND

On 30 March 2007, applicants filed international application PCT/US2007/008183. The application claimed a priority date of 05 April 2006, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 05 October 2008.

In September 2008, applicant filed via "Express Mail" a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee. These materials were assigned U.S. application number 12/225,854. A review of the application file indicates that the USPTO has assigned these materials a filing date of 30 September 2008.

On 10 February 2009, applicants filed the petition considered herein. The petition requests that the national stage materials filed herein be acknowledged as having been filed on 30 September 2008.

DISCUSSION

The present petition requests that the materials filed to initiate the present national stage application, specifically, the transmittal letter, fee payment, preliminary amendment, and unexecuted declaration, be accorded a filing date of 30 September 2008, the date on which applicants assert the "Express Mail" envelope containing the application materials was deposited with the USPS.

As noted above, a review of the application file indicates that the USPTO has in fact assigned the materials filed herein (i.e., the transmittal letter, fee payment, preliminary amendment, and unexecuted declaration) a filing date of 30 September 2008, the filing date requested by applicants in the present petition. Accordingly, the present petition is moot.

CONCLUSION

Applicants' petition under 37 CFR 1.10 is **DISMISSED AS MOOT**.

The materials initiating the present international application, including the basic national fee, have been accorded a filing date of 30 September 2008, as requested by applicants in the present petition.

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

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HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:	
Murakami	:	
Application No.: 12/225,936	:	
PCT No.: PCT/JP2007/058030	:	
Int. Filing Date: 12 April 2007	:	DECISION
Priority Date: 13 April 2006	:	
Attorney Docket No.: 1007-056	:	
For: Pore-Sealing Agent, Member For	:	
Coating Spray Deposit, And Bearing	:	

This is in response to the "Petition For Correction Of Priority Application Serial Number" filed on 30 December 2008, which is being treated under 37 CFR 1.182.

BACKGROUND

International application PCT/JP2007/058030 was filed on 12 April 2007, claimed an earlier priority date of 13 April 2006, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 25 October 2007. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 13 October 2008. On 01 October 2008, applicants paid a basic national fee in 12/225,936.

DISCUSSION

Petitioner states that

> On October 1, 2008, a Request Under §371 was filed with a filing fee and a copy of the published PCT application with regard to PCT/JP2007/058030. The Transmittal Letter incorrectly referred to PCT/JP2007/05830 on the Transmittal Letter but correctly referred to PCT/IB2007/058030 on the Application Data Sheet and the Declaration. It is requested that the Transmittal Letter be corrected in Serial No. 12/225,936 to refer to PCT/JP2007/058030.

Review of the application file reveals that the Transmittal Letter filed on 01 October 2008 refers to "PCT/JP2007/05830," while the declaration filed on 01 October 2008 instead refers to "PCT/JP2007/058030." The Application Data Sheet also refers to "PCT/JP2007/058030." No reference is made to "PCT/IB2007/058030," other than by the instant petition. As such, it is not sufficiently clear which international application was intended to enter the national stage. Petitioner is required to unambiguously clarify which international application was intended to enter the national stage under 35 U.S.C. 371.

Correction of this matter requires a petition (and fee) under 37 CFR 1.182; accordingly, the instant petition is being treated under 37 CFR 1.182. The $400.00 petition fee (fee code 1462) is being charged to Deposit Account 08-1540, per the authorization included in the petition.

DECISION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

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

2 8 MAY 2009

United States Patent and Trademark Office

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

HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:	
Murakami	:	
Application No.: 12/225,936	:	
PCT No.: PCT/JP2007/058030	:	
Int. Filing Date: 12 April 2007	:	DECISION
Priority Date: 13 April 2006	:	
Attorney Docket No.: 1007-056	:	
For: Pore-Sealing Agent, Member For	:	
Coating Spray Deposit, And Bearing	:	

This is in response to the renewed petition under 37 CFR 1.182 filed on 24 March 2009.

DISCUSSION

In a Decision mailed on 10 March 2009, the petition filed on 30 December 2008 was treated under 37 CFR 1.182 and dismissed, without prejudice, because

> Review of the application file reveals that the Transmittal Letter filed on 01 October 2008 refers to "PCT/JP2007/05830," while the declaration filed on 01 October 2008 instead refers to "PCT/JP2007/058030." The Application Data Sheet also refers to "PCT/JP2007/058030." No reference is made to "PCT/IB2007/058030," other than by the instant petition. As such, it is not sufficiently clear which international application was intended to enter the national stage. Petitioner is required to unambiguously clarify which international application was intended to enter the national stage under 35 U.S.C. 371.

In response, petitioner asserts (in part) that "It was intended that PCT/JP2007/058030 was the application that was intended to enter the national stage," and indicates that the other international application numbers referred to in the record, namely PCT/JP2007/05830 and PCT/IB2007/058030, were specified in error. Based on the totality of the evidence now of record, it would be appropriate to accept petitioner's statement that this application was intended as the national stage of PCT/JP2007/058030.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**..

This application is being returned to the Office of Patent Application Processing for further processing as the national stage under 35 U.S.C. 371 of PCT/JP2007/058030. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **01 October 2008**.

/George Dombroske/
George Dombroske
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Office of PCT Legal Administration
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Seed Intellectual Property Law Group PLLC
701 Fifth Ave
Suite 5400
Seattle, WA 98104

In re Application of	:	
TARANTO et al.	:	
U.S. Application No. 12/225,992	:	
PCT No.: PCT/AU06/01444	:	
Int. Filing Date: 05 October 2006	:	
Priority Date: 07 October 2005	:	DECISION ON PETITION
Attorney Docket No.: 890074.401USPC	:	
For: COLLAPSIBLE, THREE-WHEELED TROLLEY FOR SHOPPING BAGS	:	

The petition to revive under 37 CFR 1.137(b) filed 03 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WINSTEAD PC
P.O. BOX 50784
DALLAS TX 75201

In re Application of:
ANGUERA, Jaume, et al.
U.S. Application No.: 12/226,024
PCT No: PCT/EP2006/007782
International Filing Date: 02 August 2006
Priority Date Claimed: 03 April 2006
Atty Docket No.: 470005-P045WOUS
For: WIRELESS PORTABLE DEVICE INCLUDING INTERNAL RECEIVER

DECISION ON PETITION
(37 CFR 1.78(a)(6))

This is a decision on the "Petition To Accept Unintentionally-Delayed Priority Claim" filed 03 October 2008. The petition seeks acceptance of a benefit claim under 35 U.S.C. 119(e) to U.S. provisional application 60/788,857, filed 03 April 2006.

The petition is **DISMISSED AS MOOT**.

Pursuant to 37 CFR 1.78(a)(6), a petition for acceptance of an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of a prior-filed provisional application is only required under the following circumstances (emphasis added):

> If the reference required by 35 U.S.C. 119(e) and paragraph (a)(5) of this section is presented in a nonprovisional application **after the time period provided by paragraph (a)(5)(ii)** of this section.

With respect to a national stage application filed under 35 U.S.C. 371 (such as the present application), the "time period provided by paragraph (a)(5)(ii)" is as follows (emphasis added):

> If the later-filed application is a non-provisional application which entered the national stage from an international application after compliance with 35 U.S.C. 371, this reference must also be submitted **within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) in the later filed international application or sixteen months from the filing date of the prior-filed application.**

In the present application, the reference to prior-filed U.S. provisional application was included with the materials filed to initiate the present national stage application on 03 October 2008. Accordingly, such reference was submitted within "four months from the date on which the national stage commenced." Because the amendment containing the reference to U.S. provisional application 60/788,857 was filed before the expiration of 'the time period provided

by paragraph (a)(5)(ii)," a petition under 37 CFR 1.78(a)(6) for acceptance of such benefit claim is not required. Applicants' present petition is therefore appropriately dismissed as moot.

It is noted that, on 14 November 2008, applicants filed an executed declaration in compliance with 37 CFR 1.497, accompanied by payment of the $130 surcharge for filing the declaration later than thirty months after the priority date.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 November 2008.

Any questions concerning this decision may be directed to Richard M. Ross at (571) 272-3296.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

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PROSKAUER ROSE LLP
1001 PENNSYLVANIA AVE, N.W.,
SUITE 400 SOUTH
WASHINGTON DC 20004

In re Application of	:	
BALES, Thomas O., Jr., et al.	:	
Application No.: 12/226,030	:	DECISION
PCT No.: PCT/US2007/061917	:	
Int. Filing Date: 09 February 2007	:	ON PETITION UNDER
Priority Date: 14 February 2006	:	
Docket No.: 14673-051US	:	37 CFR 1.137(b)
For: HIGHLY FLEXIBLE STENT AND	:	
METHOD OF MANUFACTURE	:	

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 06 October 2008 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee, or oath or declaration has been paid.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

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JUL 06 2010

OFFICE OF PETITIONS

In re Application of	:	
BALES, JR., Thomas O. et al.	:	
Application No. 12/226,030	:	DECISION ON PETITION
Filed: March 31, 2009	:	TO WITHDRAW
Attorney Docket No. **14673-051US**	:	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

26 MAY 2010

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

In re Application of: YAMANAKA, Akihiko, et al. U.S. Application No.: 12/226,119 PCT No.: PCT/JP2007/057012 International Filing Date: 23 March 2007 Priority Date: 07 April 2006 Atty Docket No.: 62853/A400 For: DIALKOXYMAGNESIUM GRANULES AND METHOD FOR THEIR SYNTHESIS	DECISION ON PETITION (37 CFR 1.10(c))

This decision is issued in response to the "Letter To Correct Filing Date Under 1.10" filed 28 October 2008, treated herein as a petition under 37 CFR 1.10(c), and the "3rd Request To Correct Filing Receipt/Filing Date," filed 23 April 2010. No petition fee is required.

BACKGROUND

On 23 March 2007, applicants filed international application PCT/JP2007/057012. The application claimed a priority date of 07 April 2006, and it designated the United States. On 18 October 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., 07 October 2008.

In October, 2008, applicants filed via "Express Mail" a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an executed declaration. The USPTO assigned the submission a filing date of 08 October 2008.

On 28 October 2008, applicants filed the petition considered herein under 37 CFR 1.10(c). The petition asserts that the proper filing date for the national stage application materials is 07 October 2008, the date on which the "Express Mail" envelope containing the application materials was deposited with the USPS.

On 11 March 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 01 April 2009, applicants filed a response to the Notification Of Missing Requirements stating that applicants had previously filed the required declaration with the original application materials. The submission also again requested that the filing date for the national stage application materials be corrected to 07 October 2008.

On 05 May 2009, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that applicants had satisfied the requirements of 35 U.S.C. 371(c) as of 08 November 2008. The Notification Of Acceptance listed the filing date for all the national stage materials as 08 October 2008. Also on 05 May 2009, the USPTO issued a filing receipt identifying the 35 U.S.C. 371(c) date as 08 November 2008.

On 23 April 2010, applicants filed the "3rd Request To Correct Filing Receipt/Filing Date" considered herein. This submission requests correction of the filing receipt and the Notification Of Acceptance to indicate that the national stage materials filed herein were filed on 07 October 2008 and that the date under 35 U.S.C. 371(c) is 07 October 2008.

DISCUSSION

The petition under 37 CFR 1.10(c) filed by applicants on 28 October 2008 asserts that the materials filed to initiate the present national stage application were deposited with the USPS as "Express Mail" on 07 October 2008.

"Express Mail" label number EV810529911US was listed on the correspondence filed to initiate this national stage application (specifically, on the first page of the Form PTO-1390 Transmittal Letter), and the petition includes a copy of the customer receipt for "Express Mail" label number EV810529911US; the "date in" on this label is 07 October 2008. In addition, the USPS tracking data provided by applicants confirms that the USPS accepted this "Express Mail" envelope on 07 October 2008.

Based on applicants' statements in the petition under 37 CFR 1.10(c), the listing of the "Express Mail" label number on the filed correspondence, the "date in" entered by the USPS on the "Express Mail" label, and the USPS tracking data, it is concluded that the materials filed by applicants to initiate the present national stage application (including payment of the basic national fee, the executed declaration, and the English translation of the international application) were deposited with the USPS as "Express Mail" on 07 October 2008. Pursuant to 37 CFR 1.10(c), these materials are properly accorded a filing date of 07 October 2008, as requested by applicants. It is noted that this date is prior to the expiration of thirty months from the priority date.

In view of the above, applicants request for a corrected Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt that properly identify the filing date of the national stage application materials and 35 U.S.C. 371(c) date as 07 October 2008 is appropriately granted.

CONCLUSION

The petition under 37 CFR 1.10(c) to correct the filing date of the national stage materials filed herein is **GRANTED**.

The "3rd Request To Correct Filing Receipt/Filing Date" requesting a corrected Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt is **GRANTED**.

The correspondence initiating the present international application, including the basic national fee, English translation of the international application, and executed declaration, is treated as having been filed on 07 October 2008, prior to the expiration of thirty months from the priority date.

The Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 05 May 2009, which incorrectly identified the 35 U.S.C. 371(c) date as 08 November 2008 (and which incorrectly identified the filing date of the national stage application materials as 08 October 2008) are hereby **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including: (1) correcting USPTO records to properly identify the filing date of the basic national fee and accompanying materials as 07 October 2008; (2) issuing a corrected Notification Of Acceptance (Form PCT/DO/EO/903) that properly identifies the filing date of the national stage application materials and the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 07 October 2008; and (3) issuing a corrected filing receipt that properly identifies the date under 35 U.S.C. 371(c) as 07 October 2008.

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of AXELSSON et al.	:	
Application No.: 12/226,273	:	
PCT No.: PCT/EP07/02345	:	DECISION ON
Int. Filing: 16 March 2007	:	
Priority Date: 16 March 2006	:	PETITION TO REVIVE
Attorney Docket No.: 82784	:	
For: STABLE LOZENGE COMPOSITIONS PROVIDING RAPID RELEASE OF NICOTINE	:	UNDER 37 CFR 1.137(b)

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

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

A review of the application file reveals that the basic national fee of $330 has now been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz

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2 1 JAN 2009

LAMBERT & ASSOCIATES
92 STATE STREET, SUITE 200
BOSTON, MA 02109

In re Application of RIDLEY	:	
Application No.: 12/226,328	:	
PCT No.: PCT/GB06/01256	:	DECISION ON
Int. Filing: 05 April 2006	:	
Priority Date: 16 April 2005	:	PETITION TO REVIVE
Attorney Docket No.: NBRK1912	:	
For: ELECTROCHEMICAL CELL STACK	:	UNDER 37 CFR 1.137(b)

This is a decision on applicant's petition to revive under 37 CFR 1.137(b) filed 12 October 2007 in the United States Patent and Trademark Office (USPTO).

On 12 October 2007, applicant attempted, via USPTO EFS Web, to enter the U.S. National Stage for international application PCT/GB06/01256. However, the basic national fee did not accompany the specification, claims and drawings.

On 18 August 2008, applicant filed, *inter alia*, an executed declaration.

On 11 October 2008, applicant filed a petition to revive indicating that "this application became abandoned on 30 months from the priority date for failure to pay the fees and submit the necessary Declaration...this application became abandoned unintentionally". Applicant's statement has been interpreted as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

Cynthia M. Kratz

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PCT Legal Office
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UNITED STATES PATENT and TRADEMARK OFFICE

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O'Keefe, Egan, Peterman & Enderа, LLP
1101 S. Capital of Texas Highway, Building C.
Suite 200
Austin, TX 78746

In re Application of	DECISION ON
Allaker et al	
Application No.: 12/226,331	
PCT No.: PCT/EP2007/053591	
Int. Filing Date: 12 April 2007	PETITION UNDER
Priority Date: 12 April 2006	
Attorney's Docket No.: BECK:003	
For: THERAPEUTIC COMPOSITION	
AND USE	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 15 October 2008.

BACKGROUND

On 12 April 2007, this international application was filed, claiming an earliest priority date of 12 April 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 12 October 2008. This international application became abandoned with respect to the United States at midnight on 12 October 2008 for failure to pay the required basic national fee.

On 15 October 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

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

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

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

DECISION

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

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

Rafael Bacares
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PCT Legal Office
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2 9 OCT 2008

Colin P. Abrahams
5850 Canoga Avenue
Suite 400
Woodland Hills, CA 91367

In re Application of	:	
VEINBERG et al.	:	
U.S. Application No. 12/226,332	:	
PCT No.: PCT/EP07/52424	:	
Int. Filing Date: 15 March 2007	:	
Priority Date: 16 March 2006	:	DECISION ON PETITION
Attorney Docket No.: 1424-101.US	:	
For: N-CARBOMYLMETHYL-4-(R)-PHENYL-2-PYRROLIDINONE, METHOD OF ITS PREPARATION AND PHARMACEUTICAL USE	:	

The petition to revive under 37 CFR 1.137(b) filed 15 October 2008 the above-captioned application is hereby **GRANTED** as follows:

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

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

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

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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

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MAR 04 2010

OFFICE OF PETITIONS

In re Application of	:	
Mitsuo Shibutani, et al.	:	
Application No. 12/226,368	:	DECISION GRANTING PETITION
Filed: October 16, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 12844.120USWO	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 2, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

---

[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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25 NOV 2009

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P O BOX 458
ALAMEDA CA 94501

In re Application of:	:	
KOEKEMOER, Andre, et al.	:	DECISION
U.S. Application No.: 12/226,374	:	
PCT No.: PCT/ZA2007/000021	:	
International Filing Date: 16 April 2007	:	
Claimed Priority Date: 20 April 2006	:	
Attorney's Docket No.: 146-000100US	:	
For: DETONATOR SYSTEM	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.182 To Correct Inventor's Name" filed 13 November 2009. Deposit Account No. 50-0893 will be charged the required $400 petition fee.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed 15 October 2009. The communication indicated that a petition under 37 CFR 1.182 to correct the name of record for the third inventor was required before the declaration filed 24 February 2009 could be accepted. Specifically, the third inventor's name of record needed to be corrected from the inventor's present name of record (Dirk VAN SOELEN) to the inventor's name listed on the declaration (Schagen Diederik VAN SOELEN).

On 13 November 2009, applicants filed the "Petition Under 37 CFR 1.182 To Correct Inventor's Name" considered herein.

DISCUSSSION

The present petition under 37 CFR 1.182 includes the required statement from the inventor regarding the error/discrepancy in the inventor's name. The statement confirms the correct name of the inventor as Schagen Diederik VAN SOELEN, explains how the discrepancy in the inventor's name occurred, and states that the discrepancy occurred without deceptive intent. The petition was also accompanied by the authorization to charge Deposit Account No. 50-0893 the required petition fee.

Applicants' present submission satisfies the requirements for a grantable petition under 37 CFR 1.182 to correct the third inventor's name of record from Dirk VAN SOELEN to Schagen Diederik VAN SOELEN. Based on this correction, the declaration filed herein is no longer defective for failure to properly identify this inventor.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for co-inventor Dirk VAN SOELEN to Schagen Diederik VAN SOELEN is **GRANTED**.

Deposit Account No. 50-0893 will be charged the required $400 petition fee.

Based on the correction of the name of record for the third inventor, the declaration filed 24 February 2009 may be accepted in compliance with 37 CFR 1.497.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 24 February 2009.

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

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3 1 OCT 2008

Woodard, Emhardt, Moriarty,
McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

In re Application of	:	
NICHOLSON, Marcus	:	
U.S. Application No. 12/226,392	:	
PCT No.: PCT/GB07/01317	:	
Int. Filing Date: 10 April 2007	:	
Priority Date: 10 April 2006	:	DECISION ON PETITION
Attorney Docket No.: 5769-21	:	
For: IMPROVEMENTS TO PLANER CUTTING TOOLS	:	

The petition to revive under 37 CFR 1.137(b) filed 17 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

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

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07 NOV 2008

25291
WYETH
PATENT LAW GROUP
5 Giralda Farms
Madison, NJ 07940

In re Application of COTTER *et al* U.S. Application No.: 12/226,395 PCT No.: PCT/US2007/008132 Int. Filing Date: 03 April 2007 Priority Date: 05 April 2006 Docket No.: AM102426 For: NUTRITIONAL, FORMULATION	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 17 October 2008 is hereby **GRANTED** as follows:

The proper fees and petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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14 JUL 2009

BAKER DONELSON BEARMAN, CALDWELL & BERKOWITZ, PC
555 ELEVENTH STREET, NW, SIXTH FLOOR
WASHINGTON, DC 20004

In re Application of SUZUKI et al	:	
U.S. Application No.: 12/226,428	:	
PCT Application No.: PCT/EP2007/002883	:	DECISION
Int. Filing Date: 30 March 2007	:	
Priority Date Claimed: 20 April 2006	:	
Attorney Docket No.: 2903925-088000	:	
For: HERBICIDE COMPOSITION FOR LAWN	:	

This is in response to the correspondence filed 04 February 2009, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 30 March 2007, applicant filed international application PCT/EP2007/002883, which claimed priority of an earlier Japan application filed 20 April 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 01 November 2007. The thirty-month period for paying the basic national fee in the United States expired on 20 October 2008.

On 17 October 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 December 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 04 February 2009, applicant filed the present request for status under 37 CFR 1.42 including an executed declaration.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

Applicant is advised that the submission of a declaration executed by the heir(s) of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required by the applicable law to be appointed. If this interpretation is incorrect applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

The declaration filed 04 February 2009 is not in compliance with 37 CFR 1.497 because the declaration fails to identify the name of the second inventor as required by 37 CFR 1.497(a)(3). Furthermore, there is no indication that the heirs who executed the declaration are the sole heirs of the deceased inventor (i.e. there could be additional heirs who would be required to sign.) Moreover, the declaration does not unambiguously identify the citizenship of the inventors and heirs. It is particularly noted that the heirs are listed as "1)", "2)", and "1)" and that there is no citizenship label.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

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

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

2 2 JAN 2010

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BAKER DONELSON BEARMAN, CALDWELL & BERKOWITZ, PC
555 ELEVENTH STREET, NW, SIXTH FLOOR
WASHINGTON, DC 20004

In re Application of SUZUKI et al	:	
U.S. Application No.: 12/226,428	:	
PCT Application No.: PCT/EP2007/002883	:	DECISION
Int. Filing Date: 30 March 2007	:	
Priority Date Claimed: 20 April 2006	:	
Attorney Docket No.: 2903925-088000	:	
For: HERBICIDE COMPOSITION FOR LAWN	:	

This is in response to the renewed request for status under 37 CFR 1.42 filed 13 October 2009.

BACKGROUND

On 30 March 2007, applicant filed international application PCT/EP2007/002883, which claimed priority of an earlier Japan application filed 20 April 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 01 November 2007. The thirty-month period for paying the basic national fee in the United States expired on 20 October 2008.

On 17 October 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 December 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 04 February 2009, applicant filed a request for status under 37 CFR 1.42 including an executed declaration.

On 14 July 2009, this Office mailed a decision dismissing the 04 February 2009 request for status.

On 13 October 2009, applicant filed the present renewed request for status under 37 CFR 1.42 along with a newly executed declaration.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 13 October 2009 is in compliance with 37 CFR 1.42 and 37 CFR 1.497.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 30 March 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 October 2009.

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

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/226,437	12/01/2009	Jae-Seung Song	0630-2972PUS2	9133

2292 7590 03/04/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2447	

NOTIFICATION DATE	DELIVERY MODE
03/04/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

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

In re Application of: Jae-Seung Song et al.
Application No. 12/226437
Filed: December 1, 2009
For: METHOD FOR TRANSMITTING INFORMATION IN WIRELESS COMMUNICATION SYSTEM AND TERMINAL SUPPORTING THE METHOD

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

MAILED

MAR 04 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), December 1, 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 KIPO, 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 KIPO, 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 KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the KIPO 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 KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the KR application(s);
b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

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

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

(5) Applicant must submit:
a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
b. An English language translation of the KIPO office action(s) (if the office action(s) are not in the English language); and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed 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 are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

16 MAR 2009

United States Patent and Trademark Office

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Walter A Hackler
Patent Law Office
2372 S E Bristol Street, Suite B
Newport Beach CA 92660-0755

In re Application of	:	
Lenhardt	:	
Application No. 12/226,460	:	
PCT No.: PCT/EP2007/003279	:	
Int. Filing Date: 13 April 2007	:	DECISION
Priority Date: 19 April 2006	:	
Att. Docket No.: 3869	:	
For: Device For Assembling Insulating	:	
Glass Panes That Are Filled With A	:	
Gas Which Is Different From Air	:	

The petition to revive under 37 CFR 1.137(b) filed on 12 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The Electronic Acknowledgment Receipt dated 12 January 2009 shows a deposit account authorization; accordingly, the required reply in the form of the basic national fee is being charged to counsel's deposit account. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

The declaration filed on 17 October 2008 was unsigned.

The basic national fee and surcharge under 37 CFR 1.492(h) are being charged to Deposit Account No. 08-0114.

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

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

1 0 AUG 2009

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DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

In re Application of	:	
GORRARA, Andrew, et al.	:	
Application No.: 12/226,490	:	DECISION
PCT No.: PCT/GB2007/001369	:	
Int. Filing Date: 13 April 2007	:	ON PETITION UNDER
Priority Date: 18 April 2006	:	
Docket No.: 36290-0601-00-US (430742)	:	37 CFR 1.47(a)
For: EXPANDABLE LINER HANGER	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a) and Request Under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office (USPTO) on 04 June 2009.

BACKGROUND

On 06 January 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for filing the search fee, examination fee or oath or declaration after 30 months were required.

On 04 June 2009, applicants filed a petition under 37 CFR 1.47(a) and a request under 37 CFR 1.497(d), accompanied by a declaration of the inventors.

DISCUSSION

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

Items (1), (2) and (3) have been met. The $200 petition fee has been paid. Applicants supplied the inventor with a complete copy of the application papers and the inventor has not returned a signed declaration. Applicants state the last known address of inventor Paul Hazel as North Skelmonae; Methlick, Aberdeenshire, AB41 7JQ; Scotland, United Kingdom.

Item (4) has not yet been satisfied. The declaration lists a fourth inventor who has not yet been added by way of a grantable request under 37 CFR 1.497(d).

Request Under 37 CFR 1.497(d)

Applicants file this request to add Paul Hazel, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied. The processing fee will be charged to deposit account no. 50-0573, as authorized.

Item (3) has not been satisfied. The written consent of the assignee must comply with 37 CFR 3.73.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) and request under 37 CFR 1.497(d) are **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a) and Request Under 37 CFR 1.497(d)."

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

- 4 DEC. 2...

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ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

In re Application of	:	
GORRARA, Andrew, et al.	:	
Application No.: 12/226,490	:	DECISION
PCT No.: PCT/GB2007/001369	:	
Int. Filing Date: 13 April 2007	:	ON PETITION UNDER
Priority Date: 18 April 2006	:	
Docket No.: 36290-0601-00-US (430742)	:	37 CFR 1.47(a)
For: EXPANDABLE LINER HANGER	:	

This is a decision on applicants' Renewed Petition Under 37 CFR 1.47(a) and Request Under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office (USPTO) on 01 October 2009.

BACKGROUND

On 10 August 2009, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 01 October 2009, applicants filed this renewed petition under 37 CFR 1.47(a) and a request under 37 CFR 1.497(d).

DISCUSSION

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

Items (1), (2) and (3) have been met. The $200 petition fee has been paid. Applicants supplied the inventor with a complete copy of the application papers and the inventor has not returned a signed declaration. Applicants state the last known address of inventor Paul Hazel as North Skelmonae; Methlick, Aberdeenshire, AB41 7JQ; Scotland, United Kingdom.

Item (4) has now been satisfied.

Request Under 37 CFR 1.497(d)

Applicants file this request to add Fraser Louden, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) was previously satisfied.

Item (3) has now been satisfied.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) and request under 37 CFR 1.497(d) are **GRANTED**.

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **04 June 2009**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

- 4 DEC 2008

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Paul Hazel
North Skelmonae
Methlick, Aberdeenshire, AB41 7JQ
Scotland
United Kingdom

In re Application of
GORRARA, Andrew, et al.
Application No.: 12/226,490
PCT No.: PCT/GB2007/001369
Int. Filing Date: 13 April 2007
Priority Date: 18 April 2006
Docket No.: 36290-0601-00-US (430742)
For: EXPANDABLE LINER HANGER

Dear Mr. Hazel:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

UNITED STATES PATENT AND TRADEMARK OFFICE

2 1 JUL 2009

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25944
OLIFF & BERRIDGE, PLLC
P.O. Box 19928
Alexandria, VA 22320

In re Application of
RIETHORST *et al*
U.S. Application No.: 12/226,495
PCT No.: PCT/EP2007/003515
Int. Filing Date: 21 April 2007
Priority Date: 26 April 2006
Docket No.: 138819
For: PROCESS FOR YARN OR SLIVER REFINING

DECISION

This decision is in response to applicants' "Request for Correction of PALM Records" filed on 02 April 2009.

The request is treated under 37 CFR 1.181 and hereby **DISMISSED** without prejudice for the following reasons:

Applicants claim that the Filing or 371(c) date listed on the filing receipt[1] is incorrect. The correct Filing or 371(c) date should be 14 November 2008.

A review of the application shows that applicants submitted a declaration in the international application pursuant to PCT Rule 4.17(iv). However, this declaration is not in compliance with 37 CFR 1.497(a) as it does not identify the application to which it was directed. The declaration was executed by several inventors after the international filing date but was not directed to an international application as required.

Applicants provided another declaration on 14 November 2008. However, this declaration is also not in compliance with 37 CFR 1.497(a) and (b). The declaration contains noninitialed changes with regard to the address information for the second and third-named inventors.

Any changes made in ink must be initialed and dated by the applicants prior to execution of the declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. *See* MPEP § 605.04(a).

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[1] Applicants also indicated that assignment information was missing from the filing receipt. A corrected filing receipt adding the missing assignment information was mailed 15 April 2009. The Filing or 371(c) date remained "10/20/2008."

12/226,495

Accordingly, applicants have not completed the requirements of 35 U.S.C. 371(c)(4).

The Form PCT/DO/EO/903 mailed 24 March 2009 and the corrected filing receipt mailed 15 April 2009 are both hereby **VACATED**.

Applicants must provide a new declaration in compliance with 37 CFR 1.497(a) and (b) within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to submit a proper response will result in the abandonment of the above-captioned application.

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

James Thomson

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2 3 JUL 2009

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In re Application of
RIETHORST *et al*
U.S. Application No.: 12/226,495
PCT No.: PCT/EP2007/003515
Int. Filing Date: 21 April 2007
Priority Date: 26 April 2006
Docket No.: 138819
For: PROCESS FOR YARN OR SLIVER REFINING

DECISION

This decision[1] is in response to applicants' "Request for Correction of PALM Records" filed on 02 April 2009.

The request is treated under 37 CFR 1.181 and hereby **DISMISSED** without prejudice for the following reasons:

Applicants claim that the Filing or 371(c) date listed on the filing receipt[2] is incorrect. The correct Filing or 371(c) date should be 14 November 2008.

A review of the application shows that applicants submitted a declaration in the international application pursuant to PCT Rule 4.17(iv). However, this declaration is not in compliance with 37 CFR 1.497(a) as it does not identify the application to which it was directed. The declaration was executed by several inventors after the international filing date but was not directed to an international application as required.

Applicants provided another declaration on 14 November 2008. However, this declaration is also not in compliance with 37 CFR 1.497(a) and (b). The declaration contains noninitialed changes with regard to the address information for the second and third-named inventors.

Any changes made in ink must be initialed and dated by the applicants prior to

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[1] This decision was originally mailed 21 July 2009 but was returned by the USPS as undeliverable. A different P.O. Box number was listed in the address box. No other changes have been made.

[2] Applicants also indicated that assignment information was missing from the filing receipt. A corrected filing receipt adding the missing assignment information was mailed 15 April 2009. The Filing or 371(c) date remained "10/20/2008."

execution of the declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. *See* MPEP § 605.04(a).
Accordingly, applicants have not completed the requirements of 35 U.S.C. 371(c)(4).

The Form PCT/DO/EO/903 mailed 24 March 2009 and the corrected filing receipt mailed 15 April 2009 are both hereby **VACATED**.

Applicants must provide a new declaration in compliance with 37 CFR 1.497(a) and (b) within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to submit a proper response will result in the abandonment of the above-captioned application.

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

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00530
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK
600 South Avenue West
Westfield, NJ 07090

In re Application of
MIYAZAKI *et al*
U.S. Application No.: 12/226,515
PCT No.: PCT/JP2008/052901
Int. Filing Date: 20 February 2008
Priority Date: 20 February 2007
Attorney's Docket No.: SONYJP 3.3-1570
For: IMAGE DISPLAY APPARATUS, VIDEO SIGNAL PROCESSOR, AND VIDEO SIGNAL PROCESSING

DECISION

This is a decision on the papers filed 16 November 2009 which are treated under 37 CFR 1.10(c).

BACKGROUND

On 01 April 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a)

Applicants submitted an executed declaration and four-month extension and fee using Express Mail service. The transmittal letter indicated a date of mailing of 29 September 2009. These papers were given a date of receipt of 30 September 2009 by the Office.

On 30 October 2009, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and all 35 U.S.C. 371 requirements of 30 September 2009. The "Filing or 371(c) Date" on the filing receipt also indicated a date of 30 September 2009.

On 16 November 2009, applicants filed the subject petition which was accompanied by, *inter alia*, a copy of the Customer Copy of Express Mail label No. EM303921770US and a copy of the USPS receipt for Express Mail label No. EM303921770US.

DISCUSSION

Applicants claim that the response containing the declaration was originally submitted with the USPS using Express Mail service on 29 September 2009 and have requested that the filing receipt and Form PCT/DO/EO/903 reflect this.

Any correspondence received by the United States Patent and Trademark Office ("Office") delivered by Express Mail will be considered filed in the Office on the date of deposit with the USPS. 37 CFR § 1.10(a). Moreover, 37 CFR § 1.10(c) states:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date - in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date - in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
>
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date - in," and of any other official notation by the USPS relied upon to show the date of deposit.

A review of the subject application reveals that all the requirements of 37 CFR 1.10(c) have been satisfied. The Express Mail label number is listed on the transmittal letter filed with the response. Applicants included a copy of the Customer Copy of Express Mail label No. EM303921770US which has a "Date Accepted" of 9 29 09" and is stamped by the USPS on "SEP 29 2009." The receipt for payment of the Express Mail documents indicated that it was paid on 29 September 2009 at 4:39:10 pm.

This evidence is acceptable for a grantable petition under 37 CFR 1.10(c).

It is clear that the response was deposited with the USPS on 29 September 2009. A corrected Form PCT/DO/EO/903 and filing receipt is warranted.

CONCLUSION

Applicants' petition pursuant to 37 CFR 1.10(c) is **GRANTED**.

The Form PCT/DO/EO/903 and filing receipt mailed 30 October 2009 contain erroneous data and are both hereby **VACATED**.

This application is being forwarded to the DO/EO/US for processing including mailing a corrected Form PCT/DO/EO/903 recording that the completion of all 35 U.S.C. 371 requirements and 35 U.S.C. 371(c) date of 29 September 2009. A corrected filing receipt should also be mailed with a "Filing or 371(c) Date" of "09/29/2009."

James Thomson

James Thomson
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KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of	:	
MIYAZAKI, SHINICHIRO, et al.	:	DECISION ON REQUEST TO
Application No. 12/226,515	:	PARTICIPATE IN PATENT
Filed: September 29, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **SONYJP 3.3-1570**	:	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 May 26, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun;

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s) and
(8) The petition fee under 37 CFR 1.17(h).

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

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

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

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

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

14 SEP 2009

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52835
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Minneapolis, MN 55402-0902

In re Application of
SHIBUTANI *et al*
U.S. Application No.: 12/226,575
PCT No.: PCT/JP2006/308672
Int. Filing Date: 25 April 2006
Priority Date: None
Attorney's Docket No.: 12844.121USWO
For: AQUEOS EMULSION AND USES THEREOF

DECISION

This decision is in response to the response filed on 12 May 2009 which is treated under 37 CFR 1.181 and **GRANTED** as follows:

On 22 October 2008, applicants filed papers to enter the national stage of PCT/JP2006/308672 which was accompanied by, *inter alia*, a declaration executed by two inventors. The second named inventor was recorded as Masahiro SAITO. The international publication (WO 2007/129370) listed the name as Masahiro SAITOU.

On 02 April 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) stating that the declaration filed 22 October 2008 was not in compliance with 37 CFR 1.497(a) and (b), in that, it does not properly identify each inventor. The spelling on the second inventor does not correspond to the spelling on the international publication.

On 12 May 2009, applicants filed the subject response noting that the second named inventor had been changed in the international application and the International Bureau (IB) accepted these changes and mailed the appropriate Notification of the Recording of a Change (Form PCT/IB/306) on 28 October 2008.

A review of the underlying international application verifies that the second named inventor has been changed by the IB to Masahiro SAITO. Therefore, the declaration filed 22 October 2008 is in compliance with 37 CFR 1.497(a) and (b).

The Form PCT/DO/EO/905 mailed 02 April 2009 is **VACATED**.

This application is being forwarded to the DO/EO/US for further processing in

accordance with this decision.

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MERCK AND CO., INC
P O BOX 2000
RAHWAY NJ 07065-0907

In re Application of: BIFTU, Tesfaye, et al. U.S. Application No.: 12/226,584 PCT No.: PCT/US2007/011520 International Filing Date: 11 May 2007 Priority Date: 16 May 2006 Atty Docket No.: MRL-DOB-22165-US-PCT For: AMINOTETRAHYDROPYRANS AS DIPEPTIDYL PEPTIDASE-IV INHIBITORS FOR THE TREATMENT OR PREVENTION OF DIABETES	DECISION ON REFUND REQUEST

The "Request For Refund" filed 22 September 2009 in the above-captioned application is **GRANTED** as follows:

On 22 October 2008, applicants filed the present national stage application accompanied by, among other materials, payment of $100 as the search fee for the United States. This is the search fee applicable where, as here, the international search fee was paid to the United States Patent and Trademark Office (USPTO) as International Searching Authority (ISA) (see 37 CFR 1.498(b)(2)).

On 06 May 2009, the USPTO charged applicant an additional $330 to complete a total charge of $430 for the search fee applicable where a search report has been prepared and provided to the USPTO (see 37 CFR 1.492(b)(3)).

On 22 September 2009, applicants filed the "Request For Refund" considered herein. The submission requests a refund of the additional $330 charged to applicants' Deposit Account on 06 May 2009, asserting that the $100 search fee originally filed by applicants is the appropriate fee for the present application.

A review of USPTO records confirms that the international search fee in international application PCT/US2007/011520 was paid to the USPTO as ISA. Accordingly, the appropriate search fee for the present national stage application is the $100 fee set forth in 37 CFR 1.492(b)(4), that is, the fee applicable where the international search fee was paid to the USPTO as ISA. This is the amount submitted by applicants with the original national stage papers.

Based on the above, it is appropriate to refund to applicants the additional $330 charged to Deposit Account No. 13-2755 on 06 May 2009 to complete the larger, inapplicable search fee set forth in 37 CFR 1.492(b)(3).

Deposit Account No. 13-2755 will be credited with a refund of $330, as requested by applicants herein.

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2 6 JUL 2010

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KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of: MIYAZAKI, Shinichiro, et al. U.S. Application No.: 12/226,594 PCT No.: PCT/JP2008/052902 International Filing Date: 20 February 2008 Priority Date: 20 February 2007 Attorney Docket No.: SONY JP 3.3-1644 For: IMAGE DISPLAY APPARATUS, VIDEO SIGNAL PROCESSOR, AND VIDEO SIGNAL PROCESSING METHOD	DECISION ON PETITION (37 CFR 1.10(c))

This decision is issued in response to the correspondence filed by applicants on 09 November 2009 requesting a corrected "Notification Of Acceptance" (Form PCT/DO/EO/903) and a corrected filing receipt, treated in part herein as a petition under 37 CFR 1.10(c) to correct the 35 U.S.C. 371(c) date. No petition fee is required.

BACKGROUND

On 20 February 2008, applicants filed international application PCT/JP2008/052902. The application claimed a priority date of 20 February 2007, and it designated the United States. On 28 August 2008, 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., 20 August 2009.

On 20 October 2008, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 29 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an executed oath or declaration in compliance with 37 CFR 1.497.

In March, 2009, applicants filed a response to the Notification Of Missing Requirements via Express Mail. The submission included an executed declaration in compliance with 37 CFR 1.497.

On 15 October 2009, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that applicants had satisfied the requirements of 35 U.S.C. 371(c) as of 31 March 2009. Also on 15 October 2009, the USPTO issued a filing receipt identifying the 35 U.S.C. 371(c) date as 31 March 2009.

On 09 November 2009, applicants filed the correspondence considered herein. The correspondence asserts that the correct 35 U.S.C. 371(c) date for the present application is 30 March 2009 and requests issuance of a corrected "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt listing the correct 35 U.S.C. 371(c) date.

DISCUSSION

Applicants' correspondence indicates that the declaration filed to complete the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) was deposited with the USPS as "Express Mail" on 30 March 2009, not 31 March 2009. The correspondence includes a copy of the Form PTO-1390 Transmittal Letter filed with the executed declaration. This Transmittal Letter (which is present in the application file) includes the "Express Mail" label number, EV313693502US. The present correspondence also includes a copy of the customer receipt for "Express Mail" label number EV313693502US, which bears a "date in" of 30 March 2009. In addition, the USPS online tracking database confirms that the USPS accepted this "Express Mail" envelope on 30 March 2009.

Based on the present correspondence, the listing of the "Express Mail" label number on the transmittal letter filed with the declaration, the 30 March 2009 "date in" entered by the USPS on the "Express Mail" label, and the USPS tracking data, it is concluded that the declaration filed by applicant to complete the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) was deposited with the USPS as "Express Mail" on 30 March 2009. Pursuant to 37 CFR 1.10(c), these materials, including the declaration, are properly accorded a filing date of 30 March 2009.

In view of the above, applicants request for a corrected Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt that properly identify the 35 U.S.C. 371(c) date as 30 March 2009 is appropriately granted.

CONCLUSION

The petition under 37 CFR 1.10(c) to correct the 35 U.S.C. 371(c0 date for the present application is **GRANTED**.

The executed declaration filed by applicants in response to the Notification Of Missing Requirements mailed 29 January 2009 is treated as having been filed on 30 March 2009, and the filing of this declaration completed the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4).

The Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 15 October 2009, which incorrectly identified the 35 U.S.C. 371(c) date as 31 March 2009 are hereby **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including issuing a corrected Notification Of Acceptance (Form PCT/DO/EO/903) that properly identifies the filing date of the declaration and the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as **30 March 2009**; and (3) issuing a corrected filing receipt that properly identifies the date under 35 U.S.C. 371(c) as **30 March 2009**.

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HARNESS, DICKEY & PIERCE, P.L.C.
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In re Application of	:	
GO, et al.	:	
U.S. Application No.: 12/226,607	:	DECISION ON PETITION
PCT No.: PCT/JP2006/321087	:	
Int. Filing Date: 23 October 2006	:	UNDER 37 CFR 1.137(b)
Priority Date: 21 October 2005	:	
Attorney Docket No.: 2691-000017/US	:	
For: SHEET BODY FOR IMPROVING	:	
COMMUNICATION, ANTENNA DEVICE	:	
PROVIDED....TRANSMITTING APPARATUS	:	

The petition to revive under 37 CFR 1.137(b) filed 23 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

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1 1 SEP 2009

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In re Application of OKAMURA, et al. U.S. Application No.: 12/226,607 PCT No.: PCT/JP2006/321087 Int. Filing Date: 23 October 2006 Priority Date: 21 October 2005 Attorney Docket No.: 2691-000017/US For: SHEET BODY FOR IMPROVING COMMUNICATION, ANTENNA DEVICE PROVIDED....TRANSMITTING APPARATUS	DECISION ON PETITION UNDER 37 CFR 1.182

BACKGROUND

On 04 November 2008, applicant was mailed a decision granting applicant's petition to revive pursuant to 37 CFR 1.137(b).

On 04 June 2009, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 04 August 2009, applicant filed an executed declaration and power of attorney accompanied by the present petition under 37 CFR .1182 to change the name of inventor Haruhide Okamura nee Go.

DISCUSSION

The present petition is accompanied by a statement setting forth the procedure whereby the change of name was effected; namely by marriage. The statement is executed by the inventor identifying her current married and maiden name. As such, it is appropriate to grant applicant's petition at this time. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have now been satisfied.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor name from Haruhide Go to Haruhide Okamura is **GRANTED**.

The application has an international filing date of 23 October 2006 under 35 U.S.C. 363 and will be given a date of **04 August 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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00136
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Washington, DC 20004

In re Application of :
BOOTHE *et al* :
U.S. Application No.: 12/226,615 :
PCT No.: PCT/US2006/045375 :
Int. Filing Date: 24 November 2006 :
Priority Date: 28 November 2005 :
Docket No.: P70981US1 :
For: APPARATUS AND METHOD FOR :
CONTROLLED PELLETIZATION :
PROCESSING :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 23 October 2008 is hereby **GRANTED** as follows:

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

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

James Thomson
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/226,632	09/09/2009	Kurt Z. House	H0498.70270US02	6395

86110 7590 02/16/2010
Harvard University & Medical School
c/o Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210-2206

EXAMINER

ART UNIT	PAPER NUMBER
1796	

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.

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600 Atlantic Avenue
Boston MA 02210-2206

FEB 16 2010

In re Application of	:	
House et al.	:	DECISION ON PETITION
Application No. 12/226,632	:	TO MAKE SPECIAL UNDER
Filed: 9/9/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **H0498.70270US02**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/15/2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

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

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

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

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

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

The petition lacks item(s) 1 and 9.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 252/182.320) 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.

With regard to the classification, claim 119 is directed to a method of making the composition of claim 129. The composition claims control the original classification which is in class 252.

In regard to item 9, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

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

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 1796 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/226,632	09/09/2009	Kurt Z. Housc	H0498.70270US02	6395

86110 7590 04/21/2010
Harvard University & Medical School
c/o Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
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EXAMINER
BERNS, DANIEL J

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
04/21/2010	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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Boston MA 02210-2206

APR 2 1 2010

In re Application of	:	
House et al.	:	DECISION ON PETITION
Application No. 12/226,632	:	TO MAKE SPECIAL UNDER
Filed: 9/9/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **H0498.70270US02**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/5/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

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

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

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

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the Technology Center Art Unit 1793 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

17 MAR 2009

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PYLE & PIONTEK, LLC
221 N. LASALLE STREET, ROOM 1207
CHICAGO, IL 60601

In re Application of: KROGER U.S. Application No.: 12/226,700 PCT Application No.: PCT/NZ2007/000092 Int. Filing Date: 26 April 2007 Priority Date: 26 April 2006 Atty Docket No.: VAJP-40014 For: Evaluation of Meat Tenderness	DECISION ON PETITION UNDER 37 CFR 1.182

This is in response to applicant's petition under 37 CFR 1.182 filed on 17 December 2008. This petition is being treated under 37 CFR 1.181.

BACKGROUND

The international application was filed on 26 April 2007, claiming priority to New Zealand application 546808 of 26 April 2006. The International Bureau transmitted a copy of the published international application to the USPTO on 25 October 2008. The thirty month time period for paying the basic national fee in the United States expired at midnight on 26 October 2008.

Applicant submitted national stage papers on 23 October 2008. This submission was assigned an application number 12/226,630. However, the PTO-1390 transmittal letter for this submission indicated the application as a national stage filing of PCT/IT2007/000092, and the application data sheet indicated the application as a national stage filing of PCT/NZ2007/000092. This submission did not include the basic national filing fee. Accordingly, this application was abandoned on 23 December 2008.

Applicant filed a second submission on 25 October 2008 and indicated that the basic national filing fee should be charged to deposit account 504041. The transmittal letter and application data sheet for this submission indicated the application as a national stage filing of PCT/NZ2007/000092. This submission was assigned an application number 12/226,700.

DISCUSSION

Applicant's petition under 37 CFR 1.182 requests that 12/226,630 should be cancelled and all the papers in the file be merged into the application 12/226,700. As noted above,

12/226,630 is abandoned. The end result of an international application is a single national stage application. Applicant's explanation for the second submission is that a credit card authorization form was not available at the time of the initial submission and therefore, the second submission included an authorization to charge deposit account 504041.

Applicant's request to cancel application number 12/226,630 is dismissed as moot since the application is abandoned.

Applicant's request to merge all of the papers in the '630 file into the 12/226,700 file is dismissed due to the fact that because of the indication of the Italian international application in the transmittal letter, the '700 file now contains the WIPO document related to the Italian international application, and to include those documents in the '700 file would be improper. Applicant should re-submit any papers from the 12/226,630 file which are considered necessary for completion of the requirements of 35 USC 371(c) of the 12/226,700 application.

Applicant provided authorization to charge the petition fee of $400 to deposit account 504041 in a phone call of 13 March 2009.

CONCLUSION

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

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

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

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

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COOPER & DUNHAM, LLP
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK NY 10112

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DEC 07 2009

OFFICE OF PETITIONS

In re application of
GUTeREEZ ET AL
Application No. 12/226,714
Filed: October 23, 2008
Attorney Docket No. 79901/GJG/JL

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re application of
GUTIeRREZ, et al
Application No. 12/226,715
Filed: October 23, 2008
Attorney Docket No. 79899/GJG/JL

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of Cagan et al. Application No. 12/226,716 PCT No.: PCT/US2007/010345 Int. Filing Date: 27 April 2007 Priority Date: 27 April 2006 Atty. Docket No.: PAT001248-001/PCT/US 012102-002-999 For: Method And Apparatus For Quantifying Aesthetic Preferences In Product Design Using Productive Rules	DECISION

This is in response to applicants' "Petition Under 37 CFR 1.181" filed on 24 October 2008.

BACKGROUND

This international application was filed on 27 April 2007, claimed an earliest priority date of 27 April 2006, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 27 October 2008. Applicants filed, *inter alia*, the basic national fee on 24 October 2008.

DISCUSSION

Petitioner states that "Due to a typographical error, the middle initial of Seth D. Orsborn was omitted from the transmittal papers for the PCT application. The Declaration filed herewith contains Mr. Orsborn's middle initial. It is respectfully requested that the difference between the transmittal papers for the PCT application, which Mr. Orsborn did not review or sign, and the Declaration filed herewith be recognized as a typographical error and that the enclosed Declaration be accepted by the Office."

Inspection of the declaration filed on 24 October 2008 reveals that it includes Mr. Orsborn's middle initial, while the published international application did not. This discrepancy (that is, the inclusion of the middle initial) is acceptable. However, further review of the declaration reveals that it appears to have been assembled by attaching a sheet signed by Mr. Boatwright and/or Mr. Orsborn to the other sheets, so as to arrive at the submitted document. In other words, it appears that petitioner has not submitted complete copies of the declaration documents as signed by the inventors. Attention is respectfully drawn to MPEP 201.03, which explains in part that

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one

declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

In view of this policy, it would not be appropriate to accept the declaration as filed on 24 October 2008.

DECISION

The petition is **GRANTED** to the extent noted above.

The declaration filed on 24 October 2008 is **NOT ACCEPTED**, without prejudice.

This application is being returned to the Office of Patent Application Processing for further processing as the national stage under 35 U.S.C. 371 of PCT/US2007/010345, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/226,743	10/23/2008	Kaoru Suwabe	SONYJP 3.3-1358	2180

7590 09/10/2009
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER
DORVIL, RICHEMOND

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
09/10/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT and TRADEMARK OFFICE

0 8 DEC 2008

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PYLE & PIONTEK
ATTN: THOMAS R. VIGIL
221 N LASALLE STREET , ROOM 2036
ROOM 2036
CHICAGO IL 60601

In re Application of	:	DECISION ON
BRESTI et al	:	
Application No.: 12/226,761	:	
PCT No.: PCT/IT2007/000196	:	
Int. Filing Date: 16 March 2007	:	PETITION UNDER
Priority Date: 17 March 2006	:	
Attorney's Docket No.: VLM-40012	:	
For: HEAT EXCHANGER STRUCTURE	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 27 October 2008.

BACKGROUND

On 16 March 2007, this international application was filed, claiming an earliest priority date of 17 March 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 17 September 2008. This international application became abandoned with respect to the United States at midnight on 17 September 2008 for failure to pay the required basic national fee.

On 17 September 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, the petition fee, and an executed declaration.

DISCUSSION

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

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

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

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **27 October 2008**.

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

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2 6 JAN 2009

BIRCH STEWART KOLASCH AND BIRCH LLP
8110 GATEHOUSE ROAD SUITE 500 E
P O BOX 747
FALLS CHURCH, VA 22040

In re Application of	:	
TURK	:	
Application No.: 12/226,809	:	
PCT No.: PCT/ZA07/00017	:	DECISION ON PETITION
Int. Filing Date: 06 March 2007	:	
Priority Date: 06 March 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 2837-0142PUS1	:	
For: DATA MESSAGE MANAGEMENT SYSTEM	:	

The petition to revive under 37 CFR 1.137(b) filed 29 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

14 NOV 2008

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WILLIAM L. JOHNSON
P. O. BOX 1240
SOMIS CA 93066-1240

In re Application of: NOE, Robert, G., et al.	:	
U.S. Application No.: 12/226,834	:	
PCT No.: PCT/US2007/008008	:	DECISION ON PETITION
International Filing Date: 30 March 2007	:	
Priority Date: 04 April 2006	:	
Atty Docket No.: ZAP004	:	
For: PEST ELECTROCUTION DEVICE	:	
WITH INFRARED DETECTOR	:	

The petition for revival under 37 CFR 1.137(b) filed 29 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 04 October 2008 based on applicant's failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

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

Applicant's 29 October 2008 submission included an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 29 October 2008.

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

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CST

February 24, 2009

In re application of Takayuki Date et al Serial No. 12/226,862 Filed: October 30, 2008 For: STICK-SHAPED SNACK AND METHOD FOR PRODUCING THE SAME	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed December 11, 2008.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

The application is currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

12 FEB 2009

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Daniel P. Burke, Esq.
Daniel P. Burke & Associates, PLLC
300 Rabro Drive, Suite 131
Hauppauge NY 11788

In re Application of	:	
SHIN, Young-Su	:	
U.S. App. No. 12/226,882	:	
PCT No.: PCT/KR06/02149	:	REQUEST FOR REFUND
Int. Filing Date: 05 June 2006	:	
Priority Date: 03 May 2006	:	
Attorney Docket No.: 1928-3	:	
For: BIODEGRADABLE HEAT-SHRINKABLE FILM AND PRODUCTION METHOD THEREOF		

This decision is issued in response to applicant's Request for Refund filed in the United States Patent and Trademark Office (USPTO) on 29 January 2009. Applicant requests a refund in the amount of $65, the fee (surcharge) for filing an oath or declaration later than thirty-months from the priority date.

Pursuant to 37 CFR 1.26, any fee paid by actual mistake or in excess of that required will be refunded. As stated in the present refund request, applicant filed a declaration on 31 October 2008, prior to the expiration of thirty months from the priority date. Therefore, the fee charged to applicant, based as it was on applicant's purported failure to file an oath or declaration within thirty months of the priority date, is not proper. Deposit Account No. 50-4506 will be credited with a refund of $65, as requested.

Applicant's request for refund is **GRANTED**.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

8 JUN 2009

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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of	:	
COHEN	:	
Application No.: 12/226,917	:	
PCT No.: PCT/IL07/00464	:	DECISION ON PETITION
Int. Filing Date: 10 April 2007	:	
Priority Date: 04 April 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 45100	:	
For: DEPLOYMENT CONTROL SYSTEM	:	

The petition to revive under 37 CFR 1.137(b) filed 31 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 10 April 2007 under 35 U.S.C. 363 and will be given a date of **31 October 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
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Tel: (571) 272-3294
Fax: (571) 273-0459

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United States Patent and Trademark Office
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In re Application of
Herbert Edward Kaufman

Application No. 12226963

Filed: February 18,2009

Attorney Docket No. 13356.0005

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 26-MAR-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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1 8 MAR 2009

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Osram Sylvania Inc.
100 Endicott Street
Danvers, MA 01923

In re Application of: BUNK, et al. U.S. Application No.: 12/226,971 PCT No.: PCT/EP07/54105 International Filing Date: 26 April 2007 Priority Date: 03 May 2006 Attorney's Docket No.: 2006P08838WOUS For: HALOGEN INCANDESCENT LAMP HAVING A CARBIDE-CONTAINING LUMINOUS ELEMENT	COMMUNICATION REGARDING SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to applicants' submission on 03 November 2008 of a declaration apparently executed on behalf of deceased inventor Axel Bunk by his heirs, which has been treated as a submission under 37 CFR 1.42.

BACKGROUND

On 26 April 2007, applicants filed international application PCT/EP07/54105. The application claimed a priority date of 03 May 2006 and designated the United States. On 08 November 2007, the International Bureau ("IB") communicated a copy of the international application to the United States Patent And Trademark Office ("USPTO"). The deadline for payment of the basic national fee was 03 November 2008 (thirty months from the priority date).

On 03 November 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a translation of the international application into English; a preliminary amendment; and a declaration/power of attorney. The declaration was executed by surviving applicants Matthias Damm and Georg Rosenbauer and on behalf of the deceased inventor Axel Bunk by four persons identified as heirs: Christa Bunk; Ludwig Bunk; Maximillian Bunk; and Stefan Bunk. This declaration is considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the Manual of Patent Examining Procedure (MPEP) states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed 03 November 2008 includes the required citizenship, residence, and mailing address information for the surviving inventor, the deceased inventor, and the persons signing the declaration on behalf of the deceased inventor. However, the four persons executing the declaration on behalf of the deceased inventor are identified only as "heirs." Neither the declaration, nor any materials submitted therewith, state that these four persons are the only heirs of the deceased inventor. Before the declaration may be accepted under 37 CFR 1.42, applicants must provide an acceptable statement confirming that these are the only heirs of the deceased inventor.

CONCLUSION

For the reasons discussed above, the request for status under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mailing date of this communication to submit a proper response under 37 CFR 1.42 and 37 CFR 1.497. A proper response must include an adequate statement confirming that Christa Bunk; Ludwig Bunk; Maximillian

Bunk; and Stefan Bunk are all the heirs of the deceased inventor. Failure to provide a proper and timely response will result in abandonment.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration

Anthony Smith
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0 8 MAY 2009

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Osram Sylvania Inc.
100 Endicott Street
Danvers, MA 01923

In re Application of: BUNK, et al. U.S. Application No.: 12/226,971 PCT No.: PCT/EP07/54105 International Filing Date: 26 April 2007 Priority Date: 03 May 2006 Attorney's Docket No.: 2006P08838WOUS For: HALOGEN INCANDESCENT LAMP HAVING A CARBIDE-CONTAINING LUMINOUS ELEMENT	COMMUNICATION REGARDING SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to applicants' "Reply to Communication Regarding Submission under 37 CFR 1.42 and Supplemental Submission under 37 CFR 1.42 and 47 CFR 1.497" on 29 April 2009.

BACKGROUND

On 26 April 2007, applicants filed international application PCT/EP07/54105. The application claimed a priority date of 03 May 2006 and designated the United States. On 08 November 2007, the International Bureau ("IB") communicated a copy of the international application to the United States Patent And Trademark Office ("USPTO"). The deadline for payment of the basic national fee was 03 November 2008 (thirty months from the priority date).

On 03 November 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a translation of the international application into English; a preliminary amendment; and a declaration/power of attorney. The declaration was executed by surviving applicants Matthias Damm and Georg Rosenbauer and on behalf of the deceased inventor Axel Bunk by four persons identified as heirs: Christa Bunk; Ludwig Bunk; Maximillian Bunk; and Stefan Bunk. The declaration was considered under 37 CFR 1.42 and 1.497. In a decision dated 18 March 2009, applicants' declaration was not acceptable under 37 CFR 1.42.

On 29 April 2009, applicants filed the present renewed submission 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the Manual of Patent Examining Procedure (MPEP) states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

The declaration submitted on 03 November 2008 was executed by surviving applicants Matthias Damm and Georg Rosenbauer and on behalf of the deceased inventor Axel Bunk by four persons identified as heirs: Christa Bunk; Ludwig Bunk; Maximillian Bunk; and Stefan Bunk. Counsel avers, in the present submission, that "these four persons (Christa Bunk; Ludwig Bunk; Maximillian Bunk; and Stefan Bunk) are the only heirs of Axel Bunk." The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

The submission of the declaration executed by all of the heirs of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed. If this interpretation is incorrect applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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1 6 DEC 2009

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

In re Application of RYMAN	:	
U.S. Application No.: 12/226,988	:	
PCT Application No.: PCT/SE2007/000434	:	
Int. Filing Date: 07 May 2007	:	
Priority Date Claimed: 09 May 2006	:	
Attorney Docket No.: 10400C-000400/US	:	DECISION
For: A SYSTEM FOR WIRELESS TRANSMISSION OF MEASUREMENT RESULTS INTENDED TO BE USED IN A COUPLING DEVICE AND A USE OF THE SYSTEM IN A VEHICLE	:	

This is in response to applicant's correspondence filed 08 June 2009, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 07 May 2007, applicant filed international application PCT/SE2007/000434, which claimed priority of an earlier Sweden application filed 09 May 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 15 November 2007. The thirty-month period for paying the basic national fee in the United States expired on 10 November 2008.

On 04 November 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 May 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 08 June 2009, applicant filed the present petition under 37 CFR 1.181 along with an executed declaration.

DISCUSSION

The petition states that an executed declaration was filed on 25 November 2008.

MPEP 503 states,

> 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.

In the present case, the postcard receipt offered by applicant does not bear a USPTO date stamp of 25 November 2008. Therefore, the declaration is not entitled to the filing date requested.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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21 APR 2010

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

In re Application of RYMAN	:	
U.S. Application No.: 12/226,988	:	
PCT Application No.: PCT/SE2007/000434	:	
Int. Filing Date: 07 May 2007	:	
Priority Date Claimed: 09 May 2006	:	
Attorney Docket No.: 10400C-000400/US	:	DECISION
For: A SYSTEM FOR WIRELESS TRANSMISSION OF MEASUREMENT RESULTS INTENDED TO BE USED IN A COUPLING DEVICE AND A USE OF THE SYSTEM IN A VEHICLE	:	

This is in response to applicant's renewed petition under 37 CFR 1.181 filed 16 February 2010.

BACKGROUND

On 07 May 2007, applicant filed international application PCT/SE2007/000434, which claimed priority of an earlier Sweden application filed 09 May 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 15 November 2007. The thirty-month period for paying the basic national fee in the United States expired on 10 November 2008.

On 04 November 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 May 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 08 June 2009, applicant filed a petition under 37 CFR 1.181 along with an executed declaration.

On 23 November 2009, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 16 December 2009, this Office mailed a decision dismissing the 08 June 2009 petition.

On 16 February 2010, applicant filed the present renewed petition under 37 CFR 1.181.

DISCUSSION

The renewed petition states that an executed declaration was filed on 25 November 2008.

The evidence of record is sufficient to establish that the executed declaration was originally filed on 25 November 2008. Specifically, the copy of the return postcard, which includes the executed declaration in its itemized contents and which bears a USPTO date stamp of 25 November 2008, serves as *prima facie* evidence that the executed declaration was received by the USPTO on 25 November 2008.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.181 is GRANTED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 23 November 2009 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of : 07 May 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 25 November 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which should indicate 25 November 2008 as the date of receipt of the declaration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

3 1 DEC 2009

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of	:	
WERNER, Martin, et al.	:	
Application No.: 12/227,000	:	DECISION
PCT No.: PCT/DE2007/000523	:	
Int. Filing Date: 22 March 2007	:	ON REQUEST UNDER
Priority Date: 04 May 2006	:	
Att. Docket No.: WERNER ET AL - 2 PCT	:	37 CFR 1.497(d)
For: GRIP ENHANCER ASSEMBLY FOR HANDGUNS	:	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 27 May 2009.

BACKGROUND

On 06 January 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 27 May 2009, applicants filed a declaration of the inventors and this request under 37 CFR 1.497(d).

DISCUSSION

Applicants file this request to add Wulf-Heinz Pflaumer and Franz Wonisch, as inventors.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been satisfied.

However, the declaration is not a USPTO form, although the OMB indication remains on the form. The original form has been modified. It is not accompanied by a statement that the English text is an accurate translation of the foreign text. See 37 CFR 1.69. A statement that the English text is an accurate translation of the German or a new declaration is required.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

A proper response is required within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely reply will result in the abandonment of this application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

24 MAR 2010

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

In re Application of	:	
WERNER, Martin, et al.	:	
Application No.: 12/227,000	:	
PCT No.: PCT/DE2007/000523	:	
Int. Filing Date: 22 March 2007	:	DECISION
Priority Date: 04 May 2006	:	
Att. Docket No.: WERNER ET AL - 2 PCT	:	
For: GRIP ENHANCER ASSEMBLY FOR HANDGUNS	:	

This decision is in response to the renewed request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 14 January 2010.

BACKGROUND

On 31 December 2009, the Office mailed Decision On Request Under 37 CFR 1.497(d), granting applicant's request to correct the inventorship, but indicating that the declaration was not in compliance with 37 CFR 1.69.

On 14 January 2010, applicants submitted a statement under 37 CFR 1.69.

On 24 February 2010, the Office mailed Notification of Acceptance and a filing receipt, indicating that the application had a 371(c) completion date of 27 May 2009.

DISCUSSION

As previously indicated the declaration of the inventors is not a USPTO form, but it bore a USPTO form number. While a statement under 37 CFR 1.69 corrects the foreign language text translation issue, it cannot cure the noncompliance with 37 CFR 1.4(d)(3). To the extent that the 31 December 2009 decision indicated that a statement under 37 CFR 1.69 would cure all deficiencies with the 27 May 2009 declaration, it is vacated. The certification under 37 CFR 10.18(b) in the 27 May 2009 declaration is invalid. The declaration is being treated as unsigned correspondence.

An oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) is required.

CONCLUSION

The Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 24 February 2010 are **VACATED**.

An oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) is required within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely reply will result in the abandonment of this application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

2 2 JUL 2010

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of	:	
WERNER, Martin, et al.	:	
Application No.: 12/227,000	:	
PCT No.: PCT/DE2007/000523	:	
Int. Filing Date: 22 March 2007	:	DECISION
Priority Date: 04 May 2006	:	
Att. Docket No.: WERNER ET AL - 2 PCT	:	
For: GRIP ENHANCER ASSEMBLY FOR HANDGUNS	:	

This decision is in response to the renewed request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 24 May 2010.

On 24 March 2010, the Office mailed Decision, indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 24 May 2010, applicants filed a new declaration of the inventors.

The 24 May 2010 declaration of the inventors complies with 37 CFR 1.497(a)-(b).

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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2 1 OCT 2009

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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of: USHEVA-SIMIDJIYSKA, Anny, et al. U.S. Application No.: 12/227,001 PCT No.: PCT/US2007/011014 International Filing Date: 07 May 2007 Priority Date: 05 May 2006 Attorney Docket No.: 01948/130003 For: METHODS FOR THE DIAGNOSIS AND TREATMENT OF FEMALE INFERTILITY USING MOLECULAR MARKERS	DECISION ON PETITION TO CHANGE INVENTOR'S NAME (37 CFR 1.182)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.182" filed 14 October 2009. Applicants have submitted the required $400 petition fee.

BACKGROUND

On 07 May 2007, applicants filed international application PCT/US2007/011014. The application claimed a priority date of 05 May 2006, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 05 November 2008. The international application identified the first inventor as Anny USHEVA.

On 04 November 2008, applicants filed a Transmittal Letter for entry into the national stage accompanied by, among other materials, payment of the basic national fee.

On 17 March 2009, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and sequence listing materials were required.

On 14 October 2009, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included a statement indicating that the present application did not include any sequence listing, an executed declaration in which the first inventor was identified as Anny USHEVA-SIMIDJIYSKA, and the "Petition Under 37 CFR 1.182" considered herein. The petition requests that the name of record for the first inventor be changed to Anny USHEVA-SIMIDJIYSKA (as required before the declaration filed on 14 October 2009 may be accepted under 37 CFR 1.497).

DISCUSSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

The present petition indicates that the name of the second inventor has changed since the filing of the international application. In order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required.

Section 605.04(c) of the MPEP sets forth the requirements for a petition under 37 CFR 1.182 to correct an inventor's name. According to the MPEP, such a petition "must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order."

Applicants' present petition is accompanied by payment of the required $400 petition fee and a declaration from the first inventor in which the inventor confirms that, as a result of a court proceeding, her name was legally changed from Anny USHEVA to Anny USHEVA-SIMIDJIYSKA and that the short version of her name was inadvertently listed on the international application, without deceptive intent. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to change the name of record for this inventor from Anny USHEVA to Anny USHEVA-SIMIDJIYSKA.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Anny USHEVA to Anny USHEVA-SIMIDJIYSKA is **GRANTED**.

Based on this correction, the declaration filed on 14 October 2009 is acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 October 2008.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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0 8 JAN 2009

KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly VA 20153-1200

In re Application of LEE et al.	:	
Application No.: 12/227,013	:	
PCT No.: PCT/KR06/02819	:	DECISION ON
Int. Filing: 16 July 2006	:	
Priority Date: 11 April 2006	:	PETITION TO REVIVE
Attorney Docket No.: HI-0372	:	
For: DISPLAY SYSTEM AND POWER CONTROL METHOD THEREOF	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 05 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $330 has now been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz

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17 NOV 2008

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KED & ASSOCIATES, LLP
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In re Application of:	:	
BAEK, Jin, Uk, et al.	:	
U.S. Application No.: 12/227,014	:	DECISION ON PETITION
PCT No.: PCT/KR2006/002822	:	
International Filing Date: 19 July 2006	:	
Priority Date: 11 April 2006	:	
Atty Docket No.: HI-0373	:	
For: Image Display Apparatus	:	

The petition for revival under 37 CFR 1.137(b) filed 05 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/KR2006/002822 became abandoned with respect to the United States at midnight on 11 October 2008 based on applicants' failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicant has not submitted an executed oath or declaration in compliance with 37 CFR 1.497.

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1 3 NOV 2009

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BACON & THOMAS, PLLC
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ALEXANDRIA VA 22314-1176

In re Application of MATSUMURA et al Application No.: 12/227,021 PCT No.: PCT/JP2006/310112 Int. Filing Date: 22 May 2006 Priority Date: 09 May 2006 Attorney Docket No.: MATS3058/GAL For: MICROPLATE MOUNTING STAND,... EQUIPPED THEREWITH	DECISION ON PETITION UNDER 37 CFR 1.181

This is in response to applicants' submission "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS" filed on 01 April 2009. This submission states that the correct spelling of the second applicant is Shuichi AKIYAMA.

BACKGROUND

On 05 November 2008, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because no executed oath or declaration was filed at that time.

On 04 December 2008, applicants filed an executed declaration. The name of the second applicant is listed as Shuichi, AKIYAMA (not as listed in the International application as Syuichi AKIYAMA).

On 16 March 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date." The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: The first name of the second inventor is spelled differently than that which is printed on the IA..." The notice also indicated that all of the items set forth above must be submitted within two (2) months from the date of this notice or by 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment.

On 01 April 2009, applicants filed a "Response to Notification of Missing Requirements," stating the correct spelling of the second co-inventor is Shuichi AKIYAMA and not as listed in the International Application.

DISCUSSION

The correct name of the second co-inventor is "Shuichi AKIYAMA" as indicated in the declaration submitted, and not as listed in the International Application (Syuichi, AKIYAMA). The mistake was due to a transliteration error because in when he name is translated it could result in different English spellings of the same name. As such, the preferred correct spelling Shuichi AKIYAMA will be reflected in the US national stage processing.

Applicants' response is accepted as a sufficient response to the Notification of Missing Requirements (FORM PCT/DO/EO/905) mailed on 16 March 2009.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **04 December 2008.**

Rafael Bacares
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PCT Legal Office
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1 9 MAY 2009

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LITMAN LAW OFFICES, LTD.
POST OFFICE BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215-0035

In re Application of	:	
Pisano-Ginter	:	
Application No. 12/227,146	:	
PCT No.: PCT/US2007/005510	:	
Int. Filing Date: 05 March 2007	:	DECISION
Priority Date: 09 March 2006	:	
Att. Docket No.: 26675.00	:	
For: Child's Garment With Double Slider Zipper	:	

The petition to revive under 37 CFR 1.137(b) filed on 07 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

Inspection of the declaration filed on 07 November 2008 reveals that it is compliant with 37 CFR 1.497(a) and (b).

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **07 November 2008.**

/George Dombroske/
George Dombroske
PCT Legal Examiner
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0 5 JAN 2009

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CRYSTAL CITY STATION
ARLINGTON VA 22215-0035

In re Application of	:	
Ai	:	
Application No. 12/227,236	:	
PCT No.: PCT/US2006/037366	:	
Int. Filing Date: 25 September 2006	:	DECISION
Priority Date: 26 September 2005	:	
Att. Docket No.: 22166.03	:	
For: Roofing Tile Cutting Tool	:	

The petition to revive under 37 CFR 1.137(b) filed on 12 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

The petition states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional."

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. No terminal disclaimer is required. Thus, the requirements for revival under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the correction of the electronic records of the USPTO (PALM) to show the international application number and international filing date shown above. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **12 November 2008.**

/George Dombroske/
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2 7 MAY 2009

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David W Carrithers
Carrithers Law Office
6200 Dutchmans Lane, Suite 206
Louisville KY 40205

In re Application of	:	
Collins	:	
Application No. 12/227,246	:	
PCT No.: PCT/US2007/011542	:	
Int. Filing Date: 14 May 2007	:	DECISION
Priority Date: 12 May 2006	:	
Att. Docket No.: AH130.1	:	
For: Front Mounted Rotary Hay Rake	:	

The petition to revive under 37 CFR 1.137(b) filed on 23 March 2009 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
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OFFICE OF PETITIONS

David W Carrithers
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Louisville KY 40205

In re Application of	:	
Willard Collings	:	
Application No. 12/227,246	:	DECISION ON PETITION
Filed: September 30, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. AH130.1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 30, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the 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 Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3671 for action on the merits commensurate with this decision.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

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2 7 FEB 2009

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HARNESS, DICKEY & PIERCE, P.L.C.
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In re Application of	:	
MOON, et al.	:	
Application No.: 12/227,247	:	DECISION ON PETITION
PCT No.: PCT/KR07/02415	:	
Int. Filing Date: 17 May 2007	:	UNDER 37 CFR 1.10(c)
Priority Date: 17 May 2006	:	
Atty. Docket No.: 15051-000004/US/NP	:	
For: METHOD FOR MANUFACTURING WATER	:	
BOTTLE MOUNTING SUPPLIER	:	

This is a decision on applicant's "REQUEST FOR CORRECTED FILING DATE" filed 15 January 2009 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.10. No petition fee is required.

BACKGROUND

On 17 May 2007, applicant filed international application PCT/KR07/02415 which claimed priority to an earlier Korean application filed 17 May 2006. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 22 November 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 17 November 2008.

On 11 November 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Application Data Sheet; an Information Disclosure Statement and a preliminary amendment.

On 15 January 2009, applicant filed the present petition indicating that the returned, stamped postcard indicated a receipt date for the above papers of 12 November 2008.

DISCUSSION

37 CFR 1.10(c) states: Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the

correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Applicant has satisfied all three items above. In addition, a review of the USPS track and confirm website shows a date of acceptance by the USPS of "November 11, 2008, 12:00 am, TROY, MI 48099." Therefore, it is proper to grant applicant's petition at this time. It is noted that while applicant's petition is entitled as a request for a corrected filing date; in fact the date issue in question is a receipt date. The Manual of Patent Examining Procedure explains in section 1893.03(b) that: "An international application designating the U.S. has two stages (international and national) with the filing date being the same in both stages. Often the date of entry into the national stage is confused with the filing date. It should be borne in mind that the filing date of the international stage application is also the filing date for the national stage application."

Further, the "Notice of Acceptance" (Form PCT/DO/EO/903) and the Official Filing Receipt will indicate the date the last of the 35 U.S.C. 371 requirements are satisfied. "The "Application Filing Date" field formerly displayed in PAIR was changed to "Filing or 371(c) Date" to clearly indicate that for international applications that enter the national stage under 35 U.S.C. 371, the information displayed in this field is the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements." (MPEP 1893.03(b)).

A review of the application file finds that applicant has concurrently filed an executed declaration of the inventors. Thus, all of the 35 U.S.C. requirements have been met.

CONCLUSION

Applicant's petition under 37 CFR 1.10 is **GRANTED**.

The application will be given an international filing date of 17 May 2007 under 35 U.S.C. 363 and a date of **15 January 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and corrected filing receipt indicating the correct 371 date as detailed above.

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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.
12/227,331	11/14/2008	Kiyokazu Miki	NE485-PCT US	4651

7590 05/17/2010
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
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SUITE 200
VIENNA, VA 22182-3817

EXAMINER
DORVIL, RICHEMOND

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
05/17/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

0 2 DEC 2008

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Dean Jeffrey
1560 Redwood Drive
Peterborough, Ontario K9K1B4
CANADA

In re Application of:	
JEFFREY, Dean	DECISION ON PETITION
U.S. Application No.: 12/227,494	(37 CFR 1.137(b))
Int'l Application No: PCT/CA2007/000624	
Int'l Filing Date: 18 April 2007	
Priority Date: 18 April 2006	
Atty Docket No.: None	
For: VIBRATORY PLATE COMPACTOR WITH AGGREGATE FEED SYSTEM	

This decision is issued in response to applicant's petition for revival under 37 CFR 1.137(b), filed 19 November 2008. Applicant has not paid the required petition fee.

BACKGROUND

On 18 April 2007, applicant filed international application PCT/CA2007/000624. The application claimed a priority date of 18 April 2006, and it designated the United States. On 25 October 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for filing the basic national fee was thirty months from the priority date, i.e., 18 October 2008.

Applicant did not file a request for entry into the national stage in the United States and payment of the basic national fee prior to the expiration of the thirty month deadline. Accordingly, international application PCT/CA2007/000624 became abandoned with respect to the United States at midnight on 18 October 2008.

On 19 November 2008, applicant filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee and the petition for revival under 37 CFR 1.137(b) considered herein.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply

until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).[1]

The present petition was not accompanied by payment of the required small entity petition fee of $810.[2] Element (2) of a grantable petition is therefore not satisfied. Revival of the application is therefore not appropriate on the present record.

CONCLUSION

Applicant's petition for revival under 37 CFR 1.137(b) is **DISMISSED** without prejudice for failure to satisfy all the requirements of a grantable petition.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any request for reconsideration should be entitled "Renewed Petition Under 37 CFR 1.137(b)" and it must include payment of the appropriate petition fee.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
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[1] Item (4) does not apply to the present application.

[2] Applicant's 19 November 2008 submission included payment of the following small entity fees: $165 basic national fee; $110 examination fee; $215 search fee; and $330 extra independent claims fee.

UNITED STATES PATENT AND TRADEMARK OFFICE

09 MAR 2009

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Dean Jeffrey
1560 Redwood Drive
Peterborough, Ontario K9K1B4
CANADA

In re Application of: JEFFREY, Dean U.S. Application No.: 12/227,494 Int'l Application No: PCT/CA2007/000624 Int'l Filing Date: 18 April 2007 Priority Date: 18 April 2006 Atty Docket No.: None For: VIBRATORY PLATE COMPACTOR WITH AGGREGATE FEED SYSTEM	DECISION ON RENEWED PETITION (37 CFR 1.137(b))

The renewed petition for revival under 37 CFR 1.137(b) filed 22 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/CA2007/000624 became abandoned with respect to the United States at midnight on 18 October 2008 based on applicant's failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

The decision mailed 02 December 2008 dismissed without prejudice applicant's original petition for revival under 37 CFR 1.137(b), filed 19 November 2008, based on applicant's failure to submit the required petition fee.

The present renewed petition was accompanied by payment of the required petition fee. Applicant had previously submitted, on 19 November 2008, the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee, as well as the required statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have now been satisfied. Accordingly, the request to revive the international application with respect to the U.S. is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 19 November 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 06/18/2010

Applicant	: Marcello Allegretti	: DECISION ON REQUEST FOR
Patent Number	: 7652169	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/227,519	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/18/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.
12/227,520	11/19/2008	Tomoyasu Yano	5734-083609	9181

28289 7590 09/21/2009
THE WEBB LAW FIRM, P.C.
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436 SEVENTH AVENUE
PITTSBURGH, PA 15219

EXAMINER
ROY, SIKHA

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
09/21/2009	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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THE WEBB LAW FIRM , P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

In re Application of	**: DECISION ON REQUEST TO**
Tomoyasu YANO et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/227,520	**: PROSECUTION HIGHWAY**
Filed: 19 November 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: 5734-083609	**: TO MAKE SPECIAL UNDER**
For: WHITE PHOSPHOR, AND WHITE LIGHT-EMITTING EQUIPMENT OR DEVICE	**: 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 14 July 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Michael Day
TQAS - Technology Center 2800
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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THE MCCALLUM LAW FIRM, P. C.
685 BRIGGS STREET
PO BOX 929
ERIE CO 80516

In re Application of	:	
SAMLOWSKI et al.	:	
Application No.: 12/227,543	:	DECISION ON
PCT No.: PCT/US07/12410	:	
Int. Filing Date: 23 March 2007	:	DECLARATION
Priority Date: 23 March 2006	:	
Attorney Docket No.: 007180-57 US	:	
For: COMPOSITIONS AND METHODS	:	
FOR THE INHIBITION OF ENDOTHELIAL	:	
NITRIC OXIDE SYNTHASE ACTIVITY		

This decision is on the submission of a declaration under PCT Rule 4.17, filed in the United States Patent and Trademark Office on 19 March 2009 in the above referenced application.

BACKGROUND

On 23 March 2007, applicant filed international application PCT/US07/12410, claiming a priority date of 23 March 2006.

On 19 November 2008, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee along with a copy of the declaration under PCT Rule 4.17.

On 04 February 2009, the Office mailed Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 19 March 2009, applicant submitted a response to the Notification including a copy of the declaration under PCT Rule 4.17 executed by the inventors.

DISCUSSION

The declaration submitted on 19 November 2008, and resubmitted 19 March 2009 in

response to the Notification of Missing Requirements, was filed under PCT Rule 4.17 and signed by the inventors. However, the declaration does not identify the international application to which it is directed and thus, does not comply with 37 CFR 1.497(a) and (b). See also PCT Administrative Instruction 214, which states that the declaration must be directed to the PCT application if the declaration is furnished pursuant to PCT Rule 26*ter.2*. It is evident that the declaration was not filed with the Request form and international application but filed thereafter, since the Request was filed on 23 May 2007 and according the United States Receiving Office records, the declarations were not filed until 02 August 2007. The declaration does not meet the requirements of PCT Rule 26*ter*.2 or the requirements of 37 CFR 1.497(a) and (b). *See* MPEP 1893.01(e). The declaration is unacceptable.

A newly executed declaration, in compliance with 37 CFR 1.497(a) and (b) is required.

CONCLUSION

Applicant is required to file a newly executed declaration, in compliance with 37 CFR 1.63 and 1.497(a) and (b) within the time limit of one month from the date of this letter or within the time remaining in the response period of the Notification of Missing Requirements, whichever is longer. **NO EXTENSION OF THIS TIME MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b) BUT THE PERIOD FOR RESPONSE SET IN THE NOTIFICATION OF MISSING REQUIREMENTS MAY BE EXTENDED UP TO A MAXIMUM OF FIVE MONTHS.**

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration

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Facsimile: 571-273-0459

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0 2 APR 2009

Foley and Lardner LLP
Suite 500
3000 K Street NW
Washington, D.C. 20007

In re Application of: OKOCHI et al. U.S. Application No.: 12/227,572 PCT No.: PCT/JP2007/060756 International Filing Date: 22 May 2007 Priority Date: 23 May 2006 Attorney's Docket No.: 084437-0211 For: ORAL PREPARATION COMPRISING PIOGLITAZONE (AMENDED EX OFFICIO)	DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' 21 November 2008 submission of a declaration in which the name of the third inventor has been changed, treated herein as a petition under 37 CFR 1.182, to correct the name of this inventor. Deposit Account No.19-0741 will be charged the required petition fee.

BACKGROUND

On 22 May 2007, applicants filed international application PCT/JP2007/060756. The international application claimed a priority date of 23 May 2006, and it designated the United States. On 29 November 2007, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 23 November 2008.

On 21 November 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a copy of the international application, and a declaration. The declaration identified the third inventor as "Arisa Maeda (married name, formerly known by maiden name of Shingaki)." The name of record for this inventor, as set forth on the published international application, is Arisa SHINGAKI.

DISCUSSION

Section 605.04(b) of the Manual Of Patent Examining Procedure ("MPEP") states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

In this case, the surname of the third inventor is listed as "SHINGAKI" on the published international application and as "MAEDA" on the declaration. Accordingly, the submission of this declaration has been treated as a petition under 37 CFR 1.182 to correct the name of record for this inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and a (separate) statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

Here, applicants' submission included the authorization to charge Deposit Account No.19-0741 for required fees. Based on this authorization, the Deposit Account will be charged the requisite petition fee of $400. However, applicants have not submitted the required statement from the inventor (or court order) confirming the name change and the procedure whereby the name was changed.

Because applicants have failed to submit all the requirements for a grantable petition, correction of the inventor's name on the present record is inappropriate. Accordingly, the declaration filed 21 November 2008, which identifies the third inventor as Arisa SHINGAKI, is defective for failure to properly identify the inventors of record herein.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **DISMISSED** without prejudice. The declaration submitted by applicants on 21 November 2008 is defective for failure to properly identify the inventors of record.

Any request for reconsideration on the merits must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any such response must include the statement required for a grantable petition under 37 CFR 1.182 regarding the change of the inventor's name and the procedure whereby the change of name was effected, as discussed above.

Failure to file a proper response in a timely manner will result in **ABANDONMENT** of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 2 JUL 2009

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Foley and Lardner LLP
Suite 500
3000 K Street NW
Washington, D.C. 20007

In re Application of: OKOCHI et al. U.S. Application No.: 12/227,572 PCT No.: PCT/JP2007/060756 International Filing Date: 22 May 2007 Priority Date: 23 May 2006 Attorney's Docket No.: 084437-0211 For: ORAL PREPARATION COMPRISING PIOGLITAZONE (AMENDED EX OFFICIO)	DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Request for Reconsideration of Petition Decision" dated 29 May 2009, treated herein as a renewed petition under 37 CFR 1.182.

BACKGROUND

On 22 May 2007, applicants filed international application PCT/JP2007/060756. The international application claimed a priority date of 23 May 2006, and it designated the United States. On 29 November 2007, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 23 November 2008.

On 21 November 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a copy of the international application, and a declaration. The declaration identified the third inventor as "Arisa Maeda (married name, formerly known by maiden name of Shingaki)." The name of record for this inventor, as set forth on the published international application, is Arisa Shingaki. (In a decision dated 02 April 2009, applicants' petition under 37 CFR 1.182 was dismissed without prejudice.)

On 29 May 2009, applicants filed the present renewed petition under 37 CFR 1.182.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants are requesting to change the name of the third inventor from Arisa Shingaki to Arisa Maeda. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the third inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicants' previous submission included the authorization to charge counsel's Deposit Account No. 19-0741 for required fees. As for the affidavit requirement, applicants have submitted a "Statement of Inventor Regarding Name Change" (affidavit) regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Arisa Maeda as a result of marriage. Therefore, item (2) has been satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Arisa Shingaki to Arisa Maeda is GRANTED.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
Fax: 571-273-0459

0 8 JAN 2009

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ROPES & GRAY LLP
PATENT DOCKETING 39/41
ONE INTERNATIONAL PLACE
BOSTON MA 02110-2624

In re Application of SACHS et al.	:	
Application No.: 12/227,573	:	
PCT No.: PCT/US07/06595	:	DECISION ON
Int. Filing: 16 March 2007	:	
Priority Date: 20 March 2006	:	PETITION TO REVIVE
Attorney Docket No.: 106916-0017-301	:	
For: VESSEL CLOSING LAMINATE	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 20 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $330 has now been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), is required.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
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Telephone: (571) 272-3286
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19 FEB 2010

Harness, Dickey & Pierce, P.L.C.
P.O. Box 8910
Reston VA 20195

In re Application of: FUCHS et al.
Application No. 12/227,592
PCT No.: PCT/EP2007/052427
Int. Filing Date: 15 March 2007
Priority Date: 23 May 2006
Attorney Docket No.: 32860-001520/US
For: METHOD FOR BRAKING ELECTRICALLY DRIVEN VEHICLES

DECISION ON PETITION UNDER 37 CFR 1.181

This decision is issued in response to applicant's "Petition under 37 CFR 1.181 to Withdraw Holding of Abandonment" filed 07 December 2009. No petition fee is due.

Applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181 is GRANTED and the abandonment has been withdrawn.

The above-identified application became abandoned for failure to file the English translation of PCT/EP2007/052427 in a timely manner to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 01 April 2009. The notification set a two-month time limit in which to respond. Accordingly, this application became abandoned at midnight on 01 June 2009.

Applicant states in their present petition that an English translation of PCT/EP2007/052427 was received at the United States Patent and Trademark Office on 21 November 2008. A review of the application file reveals that the English translation of PCT/EP2007/052427 filed 21 November 2008 is located therein, therefore, the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) and the Notification of Abandonment (PCT/EO/909) were mailed in error.

The Notification of Abandonment mailed 03 December 2009, based as it was on applicants' purported failure to file a timely response to the Notification Of Missing Requirements, is appropriately vacated.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

8/26/09

In re Application of	:	
KENYON, BARTON JOHN et al	:	DECISION ON REQUEST TO
Application No. 12/227,637	:	PARTICIPATE IN PATENT
Filed: Nov. 24, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. PTB-4398-904	:	PILOT PROGRAM AND PETITION
For: COMPACT LOW NOISE	:	TO MAKE SPECIAL UNDER
EFFICIENT BLOWER FOR	:	37 CFR 1.102(d)
CPAP DEVICES		

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed July 16 2009, to make the above-identified application special.

The request and petition are DISMISSED.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the IPAU application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fail to include:

An IDS listing the documents in the forms if an IDS cited by the Australian examiner in the IPAU office along with copies of documents. In particular, petitioner fails to provide an IDS including the IPAU cited prior art patents US 1271808 A, US 3628882 A and US 3243102 A.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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ARLINGTON VA 22203

9/17/09

In re Application of KENYON, BARTON JOHN et al Application No. 12/227,637 Filed: Jun. 14, 2007 Attorney Docket No. PTB-4398-904 For: COMPACT LOW NOISE EFFICIENT BLOWER FOR CPAP DEVICES	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed September 1, 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 IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the IPAU application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. The IDS listing the documents and the references cited by the Australian examiner were received on November 24, 2008. 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 Edward Look, SPE of Art Unit 3745, 571-272-2480.

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

18 AUG 2009

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In re Application of	:
SINNO et al.	: DECISION
US Application No.: 12/227,641	:
PCT Application No.: PCT/JP2006/310378	:
Int. Filing Date: 24 May 2006	: ON
Priority Date: None	:
Attorney's File Reference: 2008_2030A	:
For: Dental Adhesive Primer Composition	: PETITION
	:

This is in response to applicant's "Request To Correct Spelling of Inventors Names" filed on 22 April 2009.

BACKGROUND

On 24 May 2006, applicants filed international application PCT/JP2006/310378. The deadline for payment of the basic national fee was 24 November 2008 which is thirty month from the priority data.

On 24 November 2008, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, inter alia, the basic national fee required by 35 U.S.C. 371(c)(1).

On 07 April 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and surcharge fee. Applicant were given two months to respond with extension of time available under 37 CFR 1.136(a).

On 22 April 2009, applicant filed the present "Response to Notification of Missing Requirements."

DISCUSSION

Applicant has stated the spelling of Mr. Shinno was misspelled on the international application as Sinno.

Pursuant to MPEP 201.03:"a request under 37 CFR 1.48 will not be required: where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. Reference to the notification will be made on the previously filed oath or declaration."

Applicant's petition to correct the spelling error of the inventor, Kazuya Shinno, in the international application is deemed sufficient.

CONCLUSION

Applicants' request to correct typographical error in the spelling of an inventor's name is **GRANTED**.

This application is being forward to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

2 8 MAY 2009

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In re Application of	:	
Ikeda et al.	:	
Application No. 12/227,696	:	
PCT No.: PCT/JP2007/060133	:	
Int. Filing Date: 17 May 2007	:	DECISION
Eff. Priority Date: 26 May 2006	:	
Atty. Docket No.: 047912-0190	:	
For: Text Mining Device, Text Mining Method, And Text Mining Program	:	

This is in response to the declaration of the inventors filed on 25 November 2008, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 17 May 2007, claimed an earlier priority date of 26 May 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 06 December 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 26 November 2008. Applicants filed, *inter alia*, the basic national fee on 25 November 2008.

DISCUSSION

The declaration filed on 25 November 2008 indicates that joint inventor Takahiro IKEDA is deceased. 37 CFR 1.42 provides in part that

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

The declaration is signed on behalf of deceased inventor Takahiro IKEDA by Yoshihiro IKEDA in the capacity of "Legal Representative." The Declaration provides citizenship, residential and postal address information for both the deceased inventor and his legal

representative. This declaration is accepted under 37 CFR 1.42 for purposes of compliance with 1.497(a) and (b)

DECISION

The declaration filed on 25 November 2008 is **ACCEPTED** under 37 CFR 1.42. The declaration is accepted for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **25 November 2008**.

/George Dombroske/
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In re Application of	:	
DEKHTIARUK, et al.	:	
U.S. Application No.: 12/227,707	:	DECISION ON PETITION
PCT No.: PCT/GB07/01957	:	
Int. Filing Date: 25 May 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: 25 May 2006	:	
Attorney Docket No.: 7236/PCT	:	
For: MANUFACTURE OF BIODIESEL	:	

This decision is in response to the applicant's petition under 37 CFR §1.47 (a) filed 23 April 2009 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signatures of joint inventors Viktor F. Dekhtiaruk and Volodymyr V. Krasnoholovets. Applicant has authorized the charging of the $200.00 petition fee to deposit account number 02-3690.

BACKGROUND

On 25 May 2007, applicant filed international application PCT/GB07/01957 which claimed priority to an earlier application filed 25 May 2006. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 06 December 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 November 2008.

On 25 November 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee and an Application Data Sheet.

On 10 February 2009, applicant filed the present petition under 37 CFR 1.47.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As to inventor Krasnoholovets, applicant has satisfied items all four items above. Specifically, applicant has provided payment of the petition fee, listed the inventors last known address and supplied a declaration executed by the remaining inventor on his own behalf and on behalf of the two non-signing inventors. As to the refusal of Mr. Krasnoholovets, while the inventor does not appear to have been presented with a complete set of application papers prior to his refusal it is clear from his correspondence that he refuses to sign any documents related to the corporate assignee. Inventor Krasnoholovets states, "Regarding Vortex Oil, I do not wish to work with this company anymore." It is clear from the refusal provided that the inventor understands what he is being asked to sign and refuses to cooperate with the company in question regardless of the invention. (See Manual of Patent Examining Procedure (MPEP) 409.03(d)).

Regarding inventor Dekhtiaruk, applicant has not satisfied item (2), Section 409.03(d) of the MPEP states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47... The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as Internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should include a statement of facts. It is important that the statement contain facts as opposed to conclusions.

In the present case, applicant has not provided sufficient evidence to support the contention that the inventor cannot be located despite a diligent effort. Applicant has not provided any search results to support a contention that the inventor cannot be located. It appears that the only effort to locate inventor Dekhtiaruk was to ask Mr. Krasnoholovets for information. This request alone does not satisfy item 2.

For the above reasons it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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In re Application of:		
DEKHTIARUK, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/227,707	:	(37 CFR 1.47(a))
PCT No.: PCT/GB2007/001957	:	
Int'l Filing Date: 25 May 2007	:	
Priority Date: 25 May 2006	:	
Attorney's Docket No.: 7236/PCT	:	
For: MANUFACTURE OF BIODIESEL	:	

This decision is issued in response to the renewed petition under 37 CFR 1.47(a) filed 06 November 2008, and supplemented on 17 November 2009, in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 07 May 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 17 June2009, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) advising applicant that an executed oath or declaration of the inventors was required. Applicant was afforded two months to respond.

On 06 November 2009, applicant filed the renewed petition under 37 CFR 1.47(a) considered herein accompanied by a petition for a four-month extension of time. The renewed petition is considered timely filed. This response was supplemented on 17 November 2009.

DISCUSSION

As detailed in the decision mailed 07 May 2009, a grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration by the other inventors on behalf of the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort. Applicant previously satisfied all four items as to non-signing inventor Volodymyr V. Krasnoholovets and items 1-3 as to non-signing inventor Viktor F. Dekhtiaruk.

Regarding item (4), with the filing of the present renewed petition and supporting exhibits applicant has successfully shown that a diligent effort has been made to locate Mr. Dekhtiaruk to no avail.

Based on the above, applicants have satisfied all the requirements for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted under 37 CFR 1.47(a) without the signature of inventors Volodymyr V. Krasnoholovets and Viktor F. Dekhtiaruk.

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses set forth in the petition, and notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The Form PCT/DO/EO/905 mailed 17 June 2009 is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision; including the preparation and mailing of a "Notice of Acceptance" (Form PCT/DO/EO/903) indicating a 35 U.S.C. 371 completion date of 23 April 2009.

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Viktor F. Dekhtiaruk
Shevchenko 6
Vyshhorod
UKRAINE

In re Application of: Dekhtiaruk, et al.
U.S. Application No.: 12/227,707
PCT No.: PCT/GB2007/001957
Int'l Filing Date: 25 May 2007
Priority Date: 25 May 2006
Attorney's Docket No.: 7236/PCT
For: MANUFACTURE OF BIODIESEL

Dear Mr. Dekhtiaruk:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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29 DEC 2009

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Volodymyr V. Krasnoholovets
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In re Application of: Dekhtiaruk, et al.
U.S. Application No.: 12/227,707
PCT No.: PCT/GB2007/001957
Int'l Filing Date: 25 May 2007
Priority Date: 25 May 2006
Attorney's Docket No.: 7236/PCT
For: MANUFACTURE OF BIODIESEL

Dear Mr. Krasnoholovets:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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In re Application of	:
LEVOLA	: DECISION ON
Application No.: 12/227,738	:
PCT No.: PCT/IB2006/001450	: PETITION
Int. Filing Date: 02 June 2006	:
Priority Date:	: UNDER 37 CFR 1.137(b)
Attorney's Docket No.: 944-001.186-2-1	:
For: COLOR DISTRIBUTION IN EXIT PUPIL EXPANDERS	:

This is in response to the petition under 37 CFR 1.137(b), filed 19 October 2009, to revive the above-identified application.

On 02 June 2006, applicant filed international application PCT/IB2006/001450. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 02 December 2008.

On 19 October 2009, applicant filed the present petition to revive accompanied by the required petition fee, the basic national fee, the national stage search and examination fees, fee for claims in excess of twenty, and the surcharge for filing the declaration later than 30 months form the priority date.

On 19 October 2009, applicant submitted an executed declaration.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the applicant became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) by a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995. The petition fee required by law is $1620. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. (See 37 CFR 1.27). Applicant has complied with items (1) - (4).

The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

CONCLUSION

The petition to revive under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing.

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25 MAR 2009

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In re Application of TALEB et al	:	
U.S. Application No.: 12/227,758	:	
PCT Application No.: PCT/GB2007/001983	:	DECISION
Int. Filing Date: 29 May 2007	:	
Priority Date Claimed: 30 May 2006	:	
Attorney Docket No.: 7251/102952	:	
For: DIGITAL TELEVISION DECODER	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 20 February 2009.

BACKGROUND

On 29 May 2007, applicant filed international application PCT/GB2007/001983, which claimed priority of an earlier France application filed 30 May 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 06 December 2007. The thirty-month period for paying the basic national fee in the United States expired on 30 November 2008.

On 25 November 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 February 2009, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be

reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

The petition states that joint inventor Laurent Proust cannot be found. However, the petition does not sufficiently demonstrate that a diligent effort was made to locate Mr. Proust. Although the petition lists a series of purported attempts to reach Mr. Proust, an affidavit signed by the person who actually made such attempts and supporting documentary evidence has not been furnished. Furthermore, there is no evidence that correspondence was ever mailed to Mr. Proust's last known address. Thus, it would not be reasonable to conclude at the present time that Mr. Proust cannot be found.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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21 AUG 2009

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In re Application of TALEB et al	:	
U.S. Application No.: 12/227,758	:	
PCT Application No.: PCT/GB2007/001983	:	DECISION
Int. Filing Date: 29 May 2007	:	
Priority Date Claimed: 30 May 2006	:	
Attorney Docket No.: 7251/102952	:	
For: DIGITAL TELEVISION DECODER	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 19 June 2009.

BACKGROUND

On 29 May 2007, applicant filed international application PCT/GB2007/001983, which claimed priority of an earlier France application filed 30 May 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 06 December 2007. The thirty-month period for paying the basic national fee in the United States expired on 30 November 2008.

On 25 November 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 February 2009, applicant filed a petition under 37 CFR 1.47(a).

On 25 March 2009, this Office mailed a decision dismissing the 20 February 2009 petition.

On 19 June 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner has previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The renewed petition states that joint inventor Laurent Proust refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Proust for signature and that Proust received the papers (see affidavit of Matthieu Mouscardes and return receipt). Furthermore, the petition

sufficiently illustrates that Proust refuses to sign. In particular, Proust's failure to return an executed declaration in response to the 13 May 2009 letter and to repeated telephone messages is deemed a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Proust refuses to join in the application.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 29 May 2007 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 February 2009.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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Laurent Proust
9 Rue Jules Valles
Paris 75011
FRANCE

In re Application of TALEB et al
U.S. Application No.: 12/227,758
PCT Application No.: PCT/GB2007/001983
Int. Filing Date: 29 May 2007
Priority Date Claimed: 30 May 2006
For: DIGITAL TELEVISION DECODER

Dear Laurent Proust:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606
Attorney Docket No.: 7251/102952

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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KUBOVCIK & KUBOVCIK
SUITE 1105
1215 SOUTH CLARK STREET
ARLINGTON VA 22202

10/30/09

In re Application of: FUKUMOTO, TAKEO et a Serial No.: 12/227,782 Filed: July 2, 2009 Docket: MRI-036 Title: APPLICATOR, AND CONTAINER FOR APPLICATION SUBSTANCE	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed Oct. 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 corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. Telephone inquiries concerning the status of this application should be directed to the Supervisory Patent Examiner, Mr. Greg Huson, Art Unit 3751, at 571-272-4887.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

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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03 FEB 2010

51523
Louis C. Paul
420 East 61st Street, 8E
New York, NY 10021

In re Application of OWEN *et al* U.S. Application No.: 12/227,825 PCT No.: PCT/US2007/012799 Int. Filing Date: 31 May 2007 Priority Date: 01 June 2006 Attorney Docket No.: 533-1004 For: POLYMERIC BIOSUFACTANTS	**DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 17 August 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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BC

November 16, 2009

In re application of Ji Heon Ryu et al. Serial No. 12/227,837 Filed: November 26, 2008 For: CATHODE ACTIVE MATERIAL AND LITHIUM SECONDARY BATTERY CONTAINING THEM	: : : : : : : :	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) to make the above-identified application special filed September 25, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s);
   b. An English translation of the allowable/ patentable claim(s); and
   c. A statement that the English translation is accurate;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:
   a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

b. An English language translation of the KIPO Office actions from (5)(a) above; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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0 8 JAN 2009

ROPES & GRAY LLP
PATENT DOCKETING 39/41
ONE INTERNATIONAL PLACE
BOSTON MA 02110-2624

In re Application of ZON Application No.: 12/227,893 PCT No.: PCT/US07/60934 Int. Filing: 23 January 2007 Priority Date: 23 January 2006 Attorney Docket No.:105959-0027-301 For: NOVEL COMPOSITIONS OF CHEMICALLY MODIFIED SMALL INTERFERING RNA	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 01 December 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), is required.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

13 APR 2009

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Mr James V Costigan
Hedman & Costigan
1185 Avenue of the Americas
New York NY 10036

In re Application of	:	
LAURI, Leone, et al.	:	
Application No.: 12/227,929	:	
PCT No.: PCT/IB2007/001547	:	
Int. Filing Date: 05 June 2007	:	
Priority Date: 08 June 2006	:	DECISION
Docket No.: 163-837	:	
For: FORMULATIONS FOR CELLULAR, FOAMED-POLYMER PRODUCTS BASED ON POLYVINYL CHLORIDE, IMPROVED CELLULAR, FOAMED-POLYMER PRODUCTS BASED ON POLYVINYL CHLORIDE AND A PROCESS FOR PRODUCING SAID IMPROVED CELLULAR FOAMED-POLYMER PRODUCTS	:	ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 02 March 2009.

BACKGROUND

On 29 December 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 02 March 2009, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1) and (3) have been met. The $200 petition fee will be charged to deposit account no. 08-1540, as authorized. Applicant states the last known address of Mr. Sam Shehyee Ang as 3343 Ricci Lane, Irving, TX 75062.

Item (2) has not been satisfied. Applicants not presented evidence of the inventor to sign subsequent to presentation with a complete copy of the application papers. Documentary evidence of presentation with a complete copy of the application papers and subsequent refusal should be furnished.

Item (4) has not been satisfied. The declaration of the inventors is composed of one page 1 and two pages 2. However, each page 2 lists the same inventors, but was separately executed. This indicates that at least 2 copies of the declaration were executed. While the inventors may execute separate copies of the oath or declaration, the complete copy of the oath or declaration presented to each inventor must be returned to the Office.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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1 1 AUG 2009

Mr James V Costigan
Hedman & Costigan
1185 Avenue of the Americas
New York NY 10036

In re Application of LAURI, Leone, et al. Application No.: 12/227,929 PCT No.: PCT/IB2007/001547 Int. Filing Date: 05 June 2007 Priority Date: 08 June 2006 Docket No.: 163-837 For: FORMULATIONS FOR CELLULAR, FOAMED-POLYMER PRODUCTS BASED ON POLYVINYL CHLORIDE, IMPROVED CELLULAR, FOAMED-POLYMER PRODUCTS BASED ON POLYVINYL CHLORIDE AND A PROCESS FOR PRODUCING SAID IMPROVED CELLULAR FOAMED-POLYMER PRODUCTS	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' request for reconsideration of Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 28 May 2009.

BACKGROUND

On 13 April 2009, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 28 May 2009, applicants filed this renewed petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors.

DISCUSSION

As applicants have located inventor Ang and he has signed a declaration, this petition under 37 CFR 1.47(a) is moot.

However, applicants were previously informed that the declaration of the inventors was not in compliance with 37 CFR 1.497(a)-(b). Namely, that the declaration was composed of one page 1 and two pages 2 with each page 2 listing the same inventors, but having been separately executed. This indicates that at least 2 copies of the declaration were executed. While the

inventors may execute separate copies of the oath or declaration, the complete copy of the oath or declaration presented to each inventor must be returned to the Office.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

COPY MAILED
MAR 01 2010

In re Application of	:	
FUNNELL, Barry Herbert	:	
Application No. 12/227,936	:	DECISION ON PETITION
Filed: April 03, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **LCM-4970-10**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 31, 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 Barry Herbert Funnell 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 3671 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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EUGENE OAK
610 S. VAN NESS AVE
LOS ANGELES CA 90005

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SEP 02 2008

In re Application of :
LEHOVEC, Kurt :
Application No. 12/228,030 :
Filed: August 08, 2008 :
Attorney Docket No. **911-8921D** :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 08, 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 Kurt Lehovec attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231
All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing for processing. This application will be accorded "special" status when pre-examination processing is done.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/872,537	12/04/2006	Paul Eugene Wabeke	

CONFIRMATION NO. 1584

CONVERSION REQUEST

PAUL EUGENE WABEKE
P.O. BOX # II 32
HOLLAND, MI 49422

OC000000031512901

Date Mailed: 08/12/2008

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,062**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
60/872,537	12/04/2006	Paul Eugene Wabeke	

CONFIRMATION NO. 1584
CONVERSION REQUEST

PAUL EUGENE WABEKE
P.O. BOX # II 32
HOLLAND, MI 49422

OC000000027196603

Date Mailed: 12/10/2007

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **10/01/2007,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

It is not accompanied by the amendment including at least one claim in compliance with 35 U.S.C. 112, second paragraph, as required by 37 CFR 1.53(c)(3).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Customer Service at (571) 272-4000, or 1-800-PTO-9199.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Initial Patent Examination

Copied from 60872537 on 08/11/2008

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PAUL EUGENE WABEKE
P.O. BOX # II 32
HOLLAND, MI 49422

MAILED

AUG 10 2009

OFFICE OF PETITIONS

Applicants: Paul Eugene Wabeke
Appl. No.: 12/228,062
Filing Date: December 4, 2006
Title: DEVICE TO PROMOTE PHYSICAL FITNESS, MENTAL AGILITY, ADROITNESS AND DEXTERITY
Attorney Docket:
Pub. No.: US 2009/0023524 A1
Pub. Date: January 22, 2009

This is a decision on the letter received on April 8, 2009, which is being treated as a request for a corrected patent application publication under 37 CFR 1.221(b), for the above-identified application.

The request is dismissed.

Applicant essentially request that the application be republished as the patent application publication contains the wrong drawings.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable**." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request for corrected publication, received on April 8, 2009, was not timely filed under 37 CFR 1.221(b).

Due to the nature of the error in this publication, the office will *sua sponte* publish a corrected patent application publication. The corrected patent application publication will be published in due course, unless the application is allowed and the patent is issued before the application is republished.

---

[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).

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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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/704,296	08/01/2005	Frances J. R. Richmond	FJR001

CONFIRMATION NO. 2491

CONVERSION REQUEST

Chiaoyun Kuo
Agent for Applicants
18691 Paseo Cortez
Irvine, CA 92606

OC000000031508038

Date Mailed: 08/12/2008

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **07/31/2006,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,063**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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
61/082,655	07/22/2008	David Michael Sanchez	

CONFIRMATION NO. 4556

CONVERSION REQUEST

David M. Sanchez
3613 Harwood Ct
Bedford, TX 76021

OC000000033150828

Date Mailed: 11/18/2008

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **09/09/2008,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,067**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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
60/873,184	12/05/2006	Miguel Pizutto	

CONFIRMATION NO. 5668
CONVERSION REQUEST

Jerry Schulz
13813 James Avenue South
Burnsville, MN 55337

OC000000033213030

Date Mailed: 11/20/2008

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,069**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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
60/873,184	12/05/2006	Miguel Pizutto	

CONFIRMATION NO. 5668
CONVERSION REQUEST

Jerry Schulz
13813 James Avenue South
Burnsville, MN 55337

OC000000029518596

Date Mailed: 04/22/2008

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **11/28/2007,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Data Management

Copied from 60873184 on 11/20/2008

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Jerry Schulz
13813 James Avenue South
Burnsville MN 55337

MAILED

FEB 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Pizutto, Seebeck, and Schulz :
Application No. 12/228,069 : DECISION REFUSING STATUS
Filed: December 5, 2006 : UNDER 37 CFR 1.47(a)
Attorney Docket No. :
For: **PROCESS FOR SEPARATING AND REFINING IMPURITIES FROM LEAD BULLION**

This is a decision on the petition under 37 CFR 1.47(a), filed January 5, 2009.

The petition under 37 CFR 1.47(a) is **dismissed.**

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on December 5, 2006, without an executed oath or declaration Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on November 20, 2008, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The instant petition was filed on January 5, 2009.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks items (1) as set forth above.

Section 409.03(d) of the *Manual of Patent Examining Procedure* provides, in pertinent part, that:

> [a] refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not, itself, suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor . . .
>
> 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.

The declaration offered by inventor Schulz speaks to the circumstances of the refusal of the inventor to execute the declaration, but only indicates that the Inventor's Declaration were sent to the non-signing inventor. There is not indication that a complete copy of the application papers (specification, claims, drawings, oath and declaration) was presented to the inventor. Petitioner must demonstrate that an effort was made to present a complete copy of the application papers to the non-signing inventor before the inventor can be said to have refused to join the prosecution of the application. Any renewed petition must, therefore, establish that an attempt was made to present a complete copy of the application papers to the non-signing inventor.

The address cited on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address cited on the petition. All future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Larrin Bergman
Kinney & Lange, PA
The Kinney & Lange Building
312 South Third Street
Minneapolis, MN 55415

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APR 2 3 2009

OFFICE OF PETITIONS

Jerry Schulz
13813 James Avenue South
Burnsville MN 55337

In re Application of :
Pizutto, Seebeck, and Schulz :
Application No. 12/228,069 : DECISION ACCORDING STATUS
Filed: December 5, 2006 : UNDER 37 CFR 1.47(a)
Attorney Docket No. :
For: **PROCESS FOR SEPARATING AND REFINING IMPURITIES FROM LEAD BULLION**

This is in response to the renewed petition under 37 CFR 1.47(a), filed March 20, 2009.

The renewed petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-identified application was filed on December 5, 2006, without an executed oath or declaration Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on November 20, 2008, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. A petition under 37 CFR 1.47(a) was filed on January 5, 2009, and dismissed by a decision mailed February 2, 2009.

Petitioner has shown that inventor Pizutto has refused join the prosecution of the above-identified application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The address cited on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address cited on the petition. All future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

This application will be forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Larrin Bergman
Kinney & Lange, PA
The Kinney & Lange Building
312 South Third Street
Minneapolis, MN 55415

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/123,990	04/11/2008	Feng Pei Guang	049663/343079

CONFIRMATION NO. 8781

CONVERSION REQUEST

826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

OC000000033213691

Date Mailed: 11/20/2008

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **10/29/2008,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,070**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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
61/030,219	02/20/2008	William Howe	1706.011.01

CONFIRMATION NO. 8521

CONVERSION REQUEST

OC000000034553529

64935
TILLMAN WRIGHT, PLLC
P.O. BOX 473909
CHARLOTTE, NC 28247

Date Mailed: 02/12/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **01/27/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,071**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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
61/005,777	12/07/2007	Kevin Keller	KEL-2-P

CONFIRMATION NO. 1840

CONVERSION REQUEST

44728
J. BENNETT MULLINAX, LLC
P. O. BOX 26029
GREENVILLE, SC 29616-1029

OC000000034623130

Date Mailed: 02/19/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **12/05/2008,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,072**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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
61/007,000	02/08/2008	Melfi Maria Jimenez	P30834US00

CONFIRMATION NO. 5568

CONVERSION REQUEST

28381
ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON, DC 20004-1206

OC000000034700484

Date Mailed: 02/24/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **01/16/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,073**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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
60/964,746	08/16/2007	Bryan Daniel Smith	

CONFIRMATION NO. 4493
CONVERSION REQUEST

Bryan Smith
11846 Prairie Harvest CT
Parker, CO 80134

OC000000031875236

Date Mailed: 09/03/2008

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **08/06/2008,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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
60/964,746	08/16/2007	Bryan Daniel Smith	

CONFIRMATION NO. 4493

CONVERSION REQUEST

Bryan Smith
11846 Prairie Harvest CT
Parker, CO 80134

OC000000034814445

Date Mailed: 03/03/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,074**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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
61/141,374	12/30/2008	Will Cannon	70400/87301

CONFIRMATION NO. 8675

CONVERSION REQUEST

OC000000034925393

Kent Herink
Davis Brown Koehn Shors and Roberts PC
666 Walnut St., Ste 2500
The Financial Ctr.
Des Moines, IA 50309

Date Mailed: 03/10/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **02/20/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,075**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/531,789	12/22/2003	R. Jerome Miller	

CONFIRMATION NO. 7727

CONVERSION REQUEST

R. Jerome Miller
P.O. Box 401
Fancy Gap, VA 24328

OC000000034927187

Date Mailed: 03/10/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **11/27/2004,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,076**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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.
60/531,789	12/22/2003	R. Jerome Miller	

CONFIRMATION NO.

OC000000014863094

R. Jerome Miller
P.O. Box 401
Fancy Gap, VA 24328

Date Mailed: 01/03/2005

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **11/22/2004,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

It is not accompanied by the amendment including at least one claim in compliance with 35 U.S.C. 112, second paragraph, as required by 37 CFR 1.53(c)(3).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Customer Service at (703) 308-1202.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Initial Patent Examination

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/024,984	01/31/2008	Paul Michael Tapper	

CONFIRMATION NO. 7128

CONVERSION REQUEST

OC000000035320057

AIR MAIL
Paul Tapper
48 Manor Road
Guildford, GU2 9NQ
UNITED KINGDOM

Date Mailed: 04/03/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **01/30/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,077**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/039,342	03/25/2008	Anthony L. Ingram	OKC01538

CONFIRMATION NO. 7244

CONVERSION REQUEST

33900
FELLERS, SNIDER, BLANKENSHIP, BAILEY & TIPPENS, PC
100 NORTH BROADWAY
SUITE 1700
OKLAHOMA CITY, OK 73102-8820

OC000000035683544

Date Mailed: 04/27/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **03/24/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,078**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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
60/975,984	09/28/2007	Patricia Brenner	BRN-1004Prov

CONFIRMATION NO. 2419

CONVERSION REQUEST

OC000000035929128

58875
LOZA & LOZA LLP
305 N. Second Avenue
#127
Upland, CA 91786-6064

Date Mailed: 05/12/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **09/27/2008,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,080**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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

LOZA & LOZA LLP
305 NORTH SECOND AVE., #127
UPLAND CA 91786-6064

MAILED

MAY 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Brenner et al.	:	
Application Number: 12/228080	:	DECISION ON PETITION
Filing or 371(c) Date: 09/28/2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket Number: BRN-1004CONV	:	

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.182 OR IN THE ALTERNATIVE 37 C.F.R. § 1.183," filed on November 9, 2009, which is treated as a petition under 37 CFR 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

The petition states, in pertinent part: "Petitioners respectfully request the benefit of the filing date of the first provisional application 60/878,734, or January 4, 2007, for the above-caption [*sic*] patent application, namely, Application Serial No. 12/228,020."

Petitioners are advised that a late claim for benefit of a prior-filed provisional application may only be accepted pursuant to 37 CFR 1.78(a)(6). Therefore, the subject petition will be treated as a petition filed under 37 CFR 1.78(a)(6).

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on September 28, 2007, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/878,734, which was filed on January 4, 2007, and for which priority is claimed.

The petition lacks items (1), (2), and (3), above.

With regard to item (1), the reference to the above-noted, prior-filed applications was not included in the manner specified in 37 CFR 1.78(a)(5)(*i.e.*, in an ADS or in an amendment to the first sentence following the title of the specification). Before the petition under 37 CFR § 1.78(a)(6) can be granted, a renewed petition under 37 CFR § 1.78(a)(6) and an ADS or an amendment to the first sentence of the specification complying with 37 CFR 1.121 and stating the relationship of the prior-filed application to the instant application is required.

With regard to item (2), the proper fee has not been paid with the petition. The fee required for a petition under 37 CFR 1.78(a)(6) is currently $1,410.00. See 37 CFR 1.17(t). The present petition was accompanied by payment of $400.00, but did not include payment of the remaining amount due, or authorization to charge petitioner's deposit account. 37 CFR 1.22 states that patent fees and charges payable to the United States Patent and Trademark Office are required to be paid in advance; that is, at the time of requesting any action by the Office for which a fee or charge is payable. Any renewed petition must be accompanied by the balance due of $1,010.00.

With regard to item (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 is required. The Director may require additional information where there is a question whether the delay was unintentional. Any renewed petition must be accompanied by the statement required by 37 CFR 1.78(a)(6)(iii).

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

A reply may also be filed via EFS-Web.

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Christopher Bottorff
Supervisor
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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/081,109	07/16/2008	Brandon T. Johnson	0005.0010001

CONFIRMATION NO. 7822

CONVERSION REQUEST

OC000000035960187

68033
GARRETT IP, LLC
C/O CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 52050

Date Mailed: 05/28/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,081**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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
61/081,109	07/16/2008	Brandon T. Johnson	0005.0010001

CONFIRMATION NO. 7822

CONVERSION REQUEST

OC000000035921337

68033
GARRETT IP, LLC
C/O CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 52050

Date Mailed: 05/11/2009

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **02/16/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

Copied from 61081109 on 05/28/2009

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/088,748	08/14/2008	Felix Dirla	460414.000028

CONFIRMATION NO. 1662

CONVERSION REQUEST

OC000000036384670

70416
Nixon Peabody LLP
200 Page Mill Road
Suite 200
Palo Alto, CA 94306

Date Mailed: 06/09/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **02/20/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,083**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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
61/034,364	03/06/2008	Andrew Joseph Hageman	18359X

CONFIRMATION NO. 5793

CONVERSION REQUEST

30689
DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE, IL 61265

OC000000036395712

Date Mailed: 06/10/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **02/19/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,084**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/151,981	02/12/2009	Amr H. Sawalha	OMRF:092US/10901485

CONFIRMATION NO. 4918

CONVERSION REQUEST

OC000000036596027

32425
FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN, TX 78701

Date Mailed: 06/22/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/22/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,085**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
61/054,620	05/20/2008	Georg Bernatz	MERCK-3503-V01

CONFIRMATION NO. 1431

CONVERSION REQUEST

23599
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

OC000000036796693

Date Mailed: 07/07/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **05/20/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,086**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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
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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
61/058,834	06/04/2008	Mark A. Goodman	07415/1202097-US2

CONFIRMATION NO. 9287

CONVERSION REQUEST

OC000000036797573

7278
DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York, NY 10008-0770

Date Mailed: 07/06/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **06/03/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,087**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/128,532	05/22/2008	Howard Teece	7251/105957

CONFIRMATION NO. 8704

CONVERSION REQUEST

OC000000037306927

24628
Husch Blackwell Sanders, LLP
Husch Blackwell Sanders LLP Welsh & Katz
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

Date Mailed: 08/11/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **05/19/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,089**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
60/816,363	06/26/2006	Alan Dayton Akers	

CONFIRMATION NO. 8614
CONVERSION REQUEST

ALAN D. AKERS
P. O. BOX 1949
KINGSLAND, TX 78639

OC000000037726435

Date Mailed: 09/09/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **06/15/2007,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,090**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/072,175	03/28/2008	Elizabeth A. Grist	025471.002

CONFIRMATION NO. 2391

CONVERSION REQUEST

34590
JOHN E. SIMMS JR.
8056 PHILADELPHIA ROAD
LOWER LEVEL
BALTIMORE, MD 21237

OC000000037730957

Date Mailed: 09/09/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **03/27/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,091**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
61/100,951	09/29/2008	James T. Dalton	P-70249-USP1

CONFIRMATION NO. 5230

CONVERSION REQUEST

OC000000038421836

49443
Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York, NY 10036

Date Mailed: 10/22/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **08/27/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,100**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(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

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of
Dalton et al.
Application No. 61/100,951
Deposited: September 29, 2008
Attorney Docket No. P-70249-USP1

ON PETITION

This is in response to the "RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION AND PETITION TO GRANT FILING DATE" filed December 19, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on September 29, 2008. However, on October 20, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Provisional 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 argue drawings are not necessary for a filing date.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained both composition and at least one process 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.

To the extent the instant petition requests a filing date of September 29, 2008 with no drawings present in the application, the petition is **GRANTED**.

[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.

Copied from 61100951 on 10/22/2009

Given the basis for granting this petition, a petition fee has not been charged and none is required.

Petitioner is also reminded, the filing date of a provisional application is the date on which a specification as prescribed by the first paragraph of 35 U.S.C. 112, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application. See 35 U.S.C. 111(b)(4) and 37 C.F.R. 1.53(c). Thus, in a provisional application, petitioner does not have the option of amending the application to include figures on the basis that those figures do not constitute new matter. As such the drawings filed December 18, 2008 and December 22, 2008 will not be used to amend the application.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to September 29, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

Copied from 61100951 on 10/22/2009

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
61/099,381	09/23/2008	Nick Talley	M005Z/367968

CONFIRMATION NO. 7317

CONVERSION REQUEST

OC000000038424057

23370
JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

Date Mailed: 10/22/2009

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **09/21/2009,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/228,101**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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GLAXOSMITHKLINE
C/O FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304-1013

MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
SCHMITZ, Franz Ulrich et al.	:	
Application No. 12/228,139	:	DECISION ON PETITION
Filed: August 08, 2008	:	TO WITHDRAW
Attorney Docket No. **355491-4652**	:	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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. Clifford Terry
10000 San Marcos Court
Las Cruces, NM 88007

COPY MAILED

SEP 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Clifford Terry	:	
Application No. 12/228,173	:	DECISION ON PETITION
Filed: August 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 August 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 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 3745 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

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AUG 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Jianpeng Fang	:	
Application No. 12/228,214	:	DECISION ON PETITION
Filing Date: August 11, 2008	:	
Attorney Docket No. 12652-002-999	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed August 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) was obtained. Accordingly, the application became abandoned on October 30, 2008. The Notice of Abandonment was mailed May 5, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification, replacement drawings and new oath/declaration; (2) the petition fee of $810; 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 Terri Williams at 571-272-2991.

This application 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

Commissioner for Patents
United States Patent and Trademark Office
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KOHN & ASSOCIATES, PLLC
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FARMINGTON HILLS MI 48334

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OFFICE OF PETITIONS

In re Application of	:	
Haji Sheikh et al.	:	
Application No. 12/228225	:	ON PETITION
Filing or 371(c) Date: 08/12/2008	:	
Attorney Docket Number: 0284.0000	:	

This Decision is in response to the Petition to Accord a Filing Date, filed October 1, 2008, requesting that the present application be accorded a filing date of August 11, 2008, instead of the presently accorded filing date of August 12, 2008, based upon the date of deposit with the U.S.P.S.

The petition is **dismissed**.

Applicant files the present petition and Declaration of Terry Host, and assert that the application was deposited in the mail box on August 11, 2008, and a Track and Confirm receipt was printed on September 16, 2008, indicating that the package was processed on August 11, 2008. No copies of the Track and Confirm have been filed with the present petition, nor does Applicant provide an Express Mail Label Number.

A review of Office records reveals that the Patent Application Transmittal Letter includes Express Mail Label No. EM295865645US 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 "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.

---

[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.

(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.

(d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
(3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The MPEP 513 further explains that

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. 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. (Emphasis supplied).

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. 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."

A petition alleging that the USPS erred in entering the "date-in" will be denied if it is supported only by evidence (other than from the USPS) which was:
(A) 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
(B) 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 ").

On the other hand, a notation in a log book, entered after deposit by the person who deposited the correspondence as "Express Mail" within one business day of such deposit, setting forth the items indicated above,
would be deemed on petition to be an adequate showing of the date of deposit under 37 CFR 1.10(d)(3).

37 CFR 1.10(d)(3) further provides that a party must show that correspondence was deposited as "Express Mail" before the last scheduled pickup on the requested filing date in order to obtain a filing date as of that date.

Analysis

Applicant has not provided evidence from the USPS that the application was deposited on August 11, 2008. Applicant has also not provided any evidence 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. Applicant has provided the Declaration of Terry Hodt, executed on October 1, 2008; however, this is "an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as 'Express Mail' ". MPEP 513. In this instance, Applicant failed to ensure receipt of a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked.

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).

Here, Applicant bore the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked[2].

The petition is dismissed without prejudice. Applicant should provide evidence from the USPS or that 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.

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

[2] Parties who do use drop boxes can protect themselves from uncertainty due to illegible mailing labels by routinely maintaining a log of "Express Mail" deposits in which notations are entered by the person who deposited the correspondence as "Express Mail" within one business day after deposit with the USPS. Such evidence could be useful to later support a petition filed under 37 CFR 1.10(c), (d) (e), or (g). MPEP 513.

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

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KOHN & ASSOCIATES, PLLC
30500 NORTHWESTERN HWY, SUITE 410
FARMINGTON HILLS MI 48334

MAILED

MAY 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Haji Sheikh et al.	:	
Application No. 12/228225	:	ON PETITION
Filing or 371(c) Date: 08/11/2008	:	
Attorney Docket Number: 0284.0000	:	

This Decision is in response to the Renewed Petition to Accord a Filing Date, filed March 3, 2009, requesting that the present application be accorded a filing date of August 11, 2008, instead of the presently accorded filing date of August 12, 2008, based upon the date of deposit with the U.S.P.S.

The petition is **granted**.

Applicant files the present renewed petition and August 11, 2008 alleges that the application was deposited in Express Mail service on August 11, 2008. Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that August 11, 2008, was the date the correspondence was deposited Express Mail Post Office to Addressee.

In view of the above, the petition is **granted**. No fee has been charged and none is due.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to August 11, 2008, and for the mailing of a Corrected Filing Receipt.

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

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CADES SCHUTTE A LIMITED LIABILITY LAW PARTNERSHIP
1000 BISHOP STREET, 12TH FLOOR
HONOLULU, HI 96813

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MAY 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Andrew Beaumont WHITESELL, et al	:	
Application No. 12/228,298	:	DECISION ON PETITION
Filed: August 11, 2008	:	TO WITHDRAW
Attorney Docket No. PAT 08-813 US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 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 Martin Hsia on behalf of all the attorneys of record

All the attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

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: ANDREW BEAUMONT WHITESELL
232 POULI ROAD,
KAILUA, HI 96734

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIX HILLS NY 11746

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MAY 26 2009

OFFICE OF PETITIONS

In re Application of	:	
GOTTEHRER, Jonathan M. et al.	:	
Application No. 12/228,304	:	DECISION ON PETITION
Filed: August 11, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **GOTJ19M**	:	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 Jerome Gottehrer, 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 2617 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

MAILED
JUL 20 2009
OFFICE OF PETITIONS

In re Application of :
Alberius, et al. :
Application No. 12/228,366 : ON PETITION
Filed: August 12, 2008 :
Attorney Docket No. CM03206UZL :
For: COMPOSITIONS COMPRISING DYE-LOADED PARTICLES

This is a decision on the petition under 37 CFR 1.137(b), filed June 4, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed September 2, 2008, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on November 3, 2008. A Notice of Abandonment was mailed on May 7, 2009.

Applicants have submitted a proper reply to the September 2, 2008 Notice in the form of an executed declaration and $130.00 surcharge, an acceptable statement of the unintentional nature of the delay in responding to the September 2, 2008 Notice, and the $1,620.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of :
Alberius, et al. :
Application No. 12/228,373 :
Filed: August 12, 2008 :
Attorney Docket No. CM03208UZL :
For: SPRAY-DRYING PROCESS FOR THE MANUFACTURE OF DYE-LOADED PARTICLES

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 4, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed August 28, 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 October 29, 2008. A Notice of Abandonment was mailed on May 4, 2009.

Applicants have submitted a proper reply to the August 28, 2008 Notice in the form of an executed declaration and $130.00 surcharge, an acceptable statement of the unintentional nature of the delay in responding to the August 28, 2008 Notice, and the $1,620.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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299 East Sixth Street
CINCINNATI OH 45202

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Alberius, et al. :
Application No. 12/228,374 :
Filed: August 12, 2008 :
Attorney Docket No. CM03207UZL :
For: DYE-LOADED PARTICLES

This is a decision on the petition under 37 CFR 1.137(b), filed June 4, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed August 28, 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 October 29, 2008. A Notice of Abandonment was mailed on May 4, 2009.

Applicants have submitted a proper reply to the August 28, 2008 Notice in the form of an executed declaration and $130.00 surcharge, an acceptable statement of the unintentional nature of the delay in responding to the August 28, 2008 Notice, and the $1,620.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICES OF NATAN EPSTEIN
11377 WEST OLYMPIC BOULEVARD
TRIDENT CENTER - 9TH FLOOR
LOS ANGELES CA 90064

COPY MAILED

JUL 0 1 2009

OFFICE OF PETITIONS

In re Application of :
Casden :
Application No. 12/228,428 : ON PETITION
Filed: August 11, 2008 :
Attorney Docket No. DE227 :
For: RUGGEDIZED RFID TAG AND READER

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 **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonrovisional Application, mailed September 3, 2008, which set an extendable two month period for reply. The Notice required a number of fees, an executed declaration, and replacement drawings. No extensions of time being obtained and no reply being filed, the application became abandoned on November 4, 2008. A Notice of Abandonment was mailed on May 8, 2009.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed.;

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (1) above.

The Office has no record of receiving replacement drawings for Figures 1, 2, and 7. In addition, the declaration submitted on May 19, 2009 is for use with an Application Data Sheet (ADS). The Office has no record of receiving an ADS for this application. Therefore, several pieces of critical information are missing from the declaration filed on May 19, 2009. A new declaration is required.

Regarding fees: Effective October 2, 2008, several fees increased. Any fee amount paid on or after October 2, 2008 had to be paid at the revised rate. Thus, the additional fees of $840.00 submitted on May 19, 2009 are not sufficient to cover the fees due. The basic filing fee is $165.00, the search fee is $270.00, the examination fee is $110.00, the independent claim fee due is $220.00, and the fee due for claims over 20 is $52.00. Thus, there was $23.00 left over to apply to the $65.00 surcharge. Pursuant to petitioner's authorization , deposit account no. 50-2756 will be charged the $42.00 balance due.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 – ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICES OF NATAN EPSTEIN
11377 WEST OLYMPIC BOULEVARD
TRIDENT CENTER - 9TH FLOOR
LOS ANGELES CA 90064

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FEB 25 2010

In re Application of :
Casden :
Application No. 12/228,428 : ON PETITION
Filed: August 11, 2008 :
Attorney Docket No. DE227 :
For: RUGGEDIZED RFID TAG AND READER

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed July 24, 2009, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed September 3, 2008, which set an extendable two month period for reply. The Notice required a number of fees, an executed declaration, and replacement drawings. No extensions of time being obtained and no reply being filed, the application became abandoned on November 4, 2008. A Notice of Abandonment was mailed on May 8, 2009.

Applicant has submitted a proper reply to the September 3, 2008 Notice in the form of fees, an executed declaration, and replacement drawings, an acceptable statement of the unintentional nature of the delay in responding to the September 3, 2008 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

Nields, Lemack & Frame, LLC
176 E. Main Street
Suite #5
Westborough, MA 01581

MAILED

MAR 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Kenneth H. Purser et al.	:	
Application No. 12/228,473	:	DECISION ON PETITION
Filed: August 13, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 527P024Cont.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 17, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-4000.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 2881 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FARJAMI & FARJAMI, LLP
26522 LA ALAMEDA AVENUE, SUITE 360
MISSION VIEJO, CA 92691

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MAR 15 2010

In re Application of	:	
Goran Stojcic, et. al.	:	DECISION GRANTING STATUS
Application No. 12/228,476	:	UNDER 37 CFR 1.47(a)
Filed: August 13, 2008	:	
Attorney Docket No. 040408	:	

This is in response to the petition under 37 CFR 1.47(a), filed May 20, 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.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Technology Center Art Unit 2838 for examination in due course.

Telephone inquiries regarding this decision should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Primitivo Palasi
Woodville Subd.
Kennon Road
Baguio 2600 **PHILIPPINES**

COPY MAILED
MAR 15 2010

In re Application of
Goran Stojcic, et. al.
Application No. 12/228,476
Filed: August 13, 2008
For: THREE CHIP PACKAGE

Dear Mr. Palasi:

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 Andrea Smith at (571) 272-3226. 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).

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

cc: Farjami & Farjami, LLP
26522 La Alameda Avenue, Suite 360
Mission Viejo, CA 92691

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JUN 19 2009

OFFICE OF PETITIONS

HARRINGTON & SMITH, PC
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

In re Application of
Lindh, et al.
Application No. 12/228,505
Filed: August 12, 2008
Attorney Docket No. 859.0123.U1(US)

ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed May 19, 2009.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Non-Provisional Application mailed September 3, 2008, which set a shortened period for reply of two (2) months from its mailing date. No response was received within the allowable period, and the application became abandoned on November 4, 2008. A Notice of Abandonment was mailed on May 8, 2009.

In the instant petition, petitioner maintains that the Notice was never received and that the holding of abandonment should be withdrawn accordingly. USPTO records indicate that the Notice to File Missing Parts of Non-Provisional Application was returned to the USPTO as undeliverable.

A review of the application file and the Office computer records relative to the subject application file reveals that on September 3, 2008 (the date the notice was mailed), the address of record was listed as the offices of "Harrington & Smith, P.C., 4 Research Drive, Shelton, CT 06484-6212." This address was the address associated with Customer Number 29,683 on September 3, 2008, and was associated with the subject application pursuant to the application transmittal letter filed August 12, 2008. A review of the application file history reveals that the address associated with Customer Number 29,683 was incomplete in that the suite number was omitted. On September 21, 2008, applicant changed the address associated with Customer Number 29,683 and it is presently listed as "Harrington & Smith, P.C., 4 Research Drive, Suite 202, Shelton, CT 06484-6212." however, that prior to the date the notice was mailed, the address for Fay Sharp, LLP changed, but may not have timely filed with the Office a communication changing the correspondence address of record.

Title 37 of the Code of Federal Regulations section 1.33(a) and Section 601.03 provides that the applicant must promptly notify the Office of a change in the correspondence address and further states that:

> . . . where an application becomes abandoned as a consequence of a change of correspondence address ...an adequate showing that due care was taken to adhere to the requirement of prompt notification . . . of the change of address. . .and must include an adequate showing that a timely notification of the change of address was filed in the application concerned and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address.

Accordingly, the failure of applicant to receive the notice does not warrant a withdrawal of the holding of abandonment if petitioner did not promptly notify the Office of the correction to the correspondence address for the application. The USPTO is obliged to send correspondence to the address provided by applicant. In this case, it appears that the USPTO sent the correspondence to the address provided by applicant and the correspondence was returned due to no apparent fault on the part of the USPTO, but because applicant provided what appears to be a less than accurate correspondence address for the application on filing. Withdrawal of the holding of abandonment is not appropriate in this instance; the petition is dismissed accordingly.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee ($1,620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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 (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SEP 14 2009

OFFICE OF PETITIONS

HARRINGTON & SMITH, PC
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

In re Application of
Lindh, et al.
Application No. 12/228,505
Filed: August 12, 2008
Attorney Docket No. 859.0123.U1(US)

ON PETITION

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed July 17, 2009.

The petition is **granted**.

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Non-Provisional Application mailed September 3, 2008, which set a shortened period for reply of two (2) months from its mailing date. No response was received within the allowable period, and the application became abandoned on November 4, 2008. A Notice of Abandonment was mailed on May 8, 2009.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner

> where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to the Office of Patent Application Processing for further processing that will include re-mailing the Notice to File Missing Parts of Non-Provisional Application and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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

WARREN R. BECK
942 WINTERBERRY DRIVE
WOODBURY MN 55125

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
BECK, Warren R.	:	
Application No. 12/228,520	:	DECISION ON PETITION
Filed: August 14, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the renewed 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 **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a **birth certificate** or a **statement by applicant**. No fee is required.

The instant petition does not include sufficient evidence that the applicant is 65 years of age or more.

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 571-272-4231.

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 1794 for action in its regular turn.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WHITEFORD TAYLOR & PRESTON LLP
ATTN: GREGORY M STONE
SEVEN SAINT PAUL STREET
BALTIMORE MD 21202-1626

COPY MAILED
DEC 10 2008

In re Application of	:	
Korber, et al.	:	
Application No. 12/228,533	:	DECISION ACCORDING STATUS
Filed: August 13, 2008	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 081519.00001	:	

This is in response to the petition under 37 CFR 1.47(a), filed October 14, 2008.

The petition under 37 CFR 1.47(a) is **GRANTED**.

On petition, petitioner has established that inventor White and the legal representative for deceased inventor Stengel (Marcia Stengel) have refused to sign the application papers. Specifically, petitioner has included a copy of a letter from White and Stengel's attorney, indicating a refusal on the part of the inventors to sign the application papers..

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THOMAS WHITE
5736 GREENVILLE RD
SYKESVILLE MD 21784

COPY MAILED
DEC 10 2008

In re Application of
Korber, et al.
Application No. 12/228,533
Filed: August 13, 2008
Title: Method and Apparatus for Retrofitting a Flat Panel Workstation System to Existing Desk Tops and other Like Structures

LETTER

Dear Mr. White:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARCIA STENGEL
10717 FAULKNER RIDGE CIRCLE
COLUMBIA MD 21044

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DEC 10 2008

In re Application of
Korber, et al.
Application No. 12/228,533
Filed: August 13, 2008
Title: Method and Apparatus for Retrofitting a Flat Panel Workstation System to Existing Desk Tops and other Like Structures

LETTER

Dear Ms. Stengel:

You are named as the legal representative of inventor Peter J. Stengel in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a legal representative.

As a legal representative, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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JUL 29 2009

OFFICE OF PETITIONS

MARK RODGERS
1590 SAN ROQUE ROAD
SANTA BARBARA, CA 93105

In re Application of	:	
Markus B. Raschke	:	
Application No. 12/228,539	:	ON PETITION
Filed: August 12, 2008	:	
Attorney Docket No. 0160801	:	

This is a decision in response to the petition, filed June 3, 2009, under the provisions of 37 CFR 1.181 (no fee) to withdraw the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for a failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 11, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice and required the basic filing fee, an oath or declaration under 37 CFR 1.63 and replacement drawings. On January 7, 2009, applicant submitted, *inter alia*, a 2-month extension of time, the basic filing fee and an executed declaration. On January 7, 2009, a drawing of Figure 4 was filed. On January 15, 2009, a courtesy Notice of Incomplete Reply was mailed requiring a replacement drawing, since the drawing failed to comply with the requirements of 37 CFR 1.84 and 37 CFR 1.121(d). Thereafter, on May 18, 2009, A Notice of Abandonment was mailed.

In response on June 3, 2009, the present petition was filed, wherein petitioner argues that the abandonment should be withdrawn since the drawing filed January 7, 2009 was filed within the 2-month extension period for response. Petitioner explains that upon receipt of the Notice of January 15, 2009, the Office was contacted and advised that the drawing was filed prior to receiving the Notice. At the conclusion of the conversation, counsel was advised that the drawing filed January 7, 2009 would be entered in due course.

A review of the record does not dispute that a drawing was timely filed on January 7, 2009; however, the drawing was not found to comply with the requirements of 37 CFR 1.184 and 1.121(d). To date, no acceptable replacement drawing of Figure 4 has been filed, including the drawing provided with the present petition on June 3, 2009.

Pursuant to 35 U.S.C. 133, "[u]pon 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 application, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the

application shall be regarded as abandoned by the parties thereto, unless it be shown to satisfactory of the Director that such delay was unavoidable.

The evidence of record does not demonstrate that such delay in filing a response was unavoidable within the meaning of the rule. Without an acceptable reply, the application became abandoned by operation of law. See 35 U.S.C. 133.

Petitioner is 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).

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).

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be 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[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

MARK RODGERS
1590 SAN ROQUE ROAD
SANTA BARBARA, CA 93105

In re Application of Markus B. Raschke Application No. 12/228,539 Filed: August 12, 2008 Attorney Docket No. 0160801	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed by August 21, 2009, to revive the above-identified application.

The petition is **GRANTED**.

A review of the record discloses that a Notice of Incomplete Reply issued on January 15, 2009, since corrected drawings were not filed in response to the Notice to File Missing Parts of Nonprovisional Application mailed September 11, 2008. On May 18, 2009, a Notice of Abandonment was mailed. On June 3, 2009, a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 was filed; however, the petition was dismissed in a decision mailed July 29, 2009. On August 21, 2009, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the replacement drawing; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing.

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

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Alexandria, VA 22313-1450
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BELL, BOYD & LLOYD, LLP
P.O. Box 1135
CHICAGO, IL 60690

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FEB 03 2009

OFFICE OF PETITIONS

In re Reissue Application of	:	
James E. Schulte, et al.	:	
Application No. 12/228,543	:	DECISION ON PETITION
Filed: August 13, 2008	:	UNDER 37 CFR 1.78(a)(3)
Original Patent No. 7,147,670	:	
Issue Date: December 12, 2006	:	
Attorney Docket No. 119658-004	:	

This is a decision in response to the petition under 37 CFR 1.78(a)(3), filed August 13, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 09/419,345 set forth in the concurrently filed Application Data Sheet (ADS). As authorized, the $1,410 surcharge fee will be charged to petitioner's Deposit Account.

The petition is **GRANTED**.

A review of the file record of U.S. Patent No. 7,147,670 fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) nor does it include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed August 13, 2008. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with a reissue application, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the original application into a patent. *See* MPEP 1402.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

The granting of the petition to accept the delayed benefit claim to the prior-filed application(s) under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application(s). In order for this application to be entitled to the benefit of the prior-filed application(s), all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application(s) should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application(s) noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1796 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/228,543	08/13/2008	1796	1220	119658-004	40	1

CONFIRMATION NO. 4121

CORRECTED FILING RECEIPT

24573
BELL, BOYD & LLOYD, LLP
P.O. Box 1135
CHICAGO, IL 60690

OC000000034350906

Date Mailed: 02/02/2009

Receipt is acknowledged of this reissue 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)

James E. Schulte, Cicero, IL;
Timothy L. Racette, Plainfield, IL;
Gene R. Damaso, Northlake, IL;

Assignment For Published Patent Application

EMINENT TECHNOLOGIES LLC, NAPERVILLE, IL

Power of Attorney: The patent practitioners associated with Customer Number 44765

Domestic Priority data as claimed by applicant

This application is a REI of 10/427,426 04/30/2003 PAT 7,147,670
which is a CIP of 09/843,103 04/25/2001 PAT 6,558,432
which is a CIP of 09/419,345 10/15/1999 PAT 6,355,072

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 12/228,543**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

CLEANING SYSTEM UTILIZING AN ORGANIC CLEANING SOLVENT AND A PRESSURIZED FLUID SOLVENT

Preliminary Class

008

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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SAN DIEGO CA 92121

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SEP 14 2009

OFFICE OF PETITIONS

In re Application of
Belenkii
Application No. 12/228,553
Filed: 13 August, 2008
Attorney Docket No. 856

DECISION

This is a decision on the petition filed on 1 June, 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 mailed on 8 September, 2008, with reply due absent extension of time on or before 8 November, 2008.

The application went abandoned by operation of law after midnight 8 November, 2008.

The Office mailed the Notice of Abandonment on 13 May, 2009.

On 1 June, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), with a reply in the form of, *inter alia*, drawings.

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.

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LAW OFFICES OF CLEMENT CHENG
17220 NEWHOPE STREET #127
FOUNTAIN VALLEY CA 92708

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OFFICE OF PETITIONS

In re Application of	:	
Milan Radojicic	:	
Application No. 12/228,697	:	DECISION DISMISSING PETITION
Filed: August 16, 2008	:	
Attorney Docket No. Radojicic.01	:	

This is a decision on the petition under 37 CFR 1.182, filed October 3, 2008, to accord the above-identified application a filing date of August 16, 2008, with Figures 5 - 8 of the drawings as part of the original disclosure.

Application papers in the above-identified application were filed on August 16, 2008. However, on September 22, 2008, the Office of Initial Patent Examination mailed applicant a "Notice of Omitted Item(s) in a Nonprovisional Application." Applicants were notified that the application papers had been accorded a filing date; however, Figures 5 - 8 of the drawings appeared to have been omitted. The Notice set a two month extendable period for reply. In addition, the Notice instructed applicant to submit a new oath or declaration, as the declaration did not identify the residence of the inventor.

First, a review of the declaration submitted on August 16, 2008 reveals that it did included the residence of inventor Radojicic. Accordingly, it is obvious that the Notice of Omitted Item(s) was mailed in error with respect to this requirement.

Turning to the issue of the drawings, Applicant asserts that Figures 5 - 8 were present on August 16, 2008.

The PTO file is the official record of papers originally filed in this application. A review of the official file reveals that Figure 5 - 8 were not filed on August 16, 2008, since those figures are not present in the file. An applicant alleging that a paper was filed in the PTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

The Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See MPEP 503. **Applicant has not submitted a return postcard showing that Figures 5- 8 were filed on August 16, 2008.**

Accordingly, the petition is **DISMISSED**.

Applicant may file a request for reconsideration providing they submit a proper postcard receipt showing that Figures 5 - 8 were filed on August 16, 2008.

The matter is being forwarded to the Office of Patent Application Processing (formerly the Office of Initial Patent Examination) for pre-examination processing, using the application papers filed on August 16, 2008, including the 37 CFR 1.63 declaration which properly identified the residence of the inventor.

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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OCT 01 2009

OFFICE OF PETITIONS

BENJAMIN AARON ADLER
ADLER & ASSOCIATES
8011 CANDLE LANE
HOUSTON TX 77071

In re Application of	:	
Frolov, et al.	:	
Application No. 12/228,710	:	ON PETITION
Filed: August 15, 2008	:	
Attorney Docket No. D6788	:	

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed July 16, 2009.

The petition is **GRANTED**.

The holding of abandonment is **WITHDRAWN**.

This application became abandoned by operation of law for failure to timely file a response to the Notice to File Missing Parts mailed October 1, 2008. This Notice set n extendable period for reply of two (2) months for applicants to submit an executed oath or declaration, a surcharge of $65 for its late filing, and replacement drawings. The Office mailed a Notice of Abandonment on June 9, 2009.

Petitioner contends that he did timely file a reply on January 5, 2009 (made timely by including a Certificate of Mailing dated December 31, 2008). A review of the reply reveals that it was directed to application No. 12/288,710. In addition, a review of application No. 12/288,710 indicates that the Office

did receive a reply on January 5, 2009 consisting of 37 CFR 1.63 declaration, replacement drawings, and $130 for a one month extension of time ($65) and the late surcharge for the declaration ($65).

As set forth in the Manual of Patent Examining Procedure § 724.05:

> Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g. application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

Here, apart from the application number, the response did contain the correct identifying information (specifically the attorney docket number, the inventor, the title of the invention, and the filing date). Accordingly, it is concluded that the Office could have determined the correct application file for which the response was intended.

In view thereof, the holding of abandonment is withdrawn.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The reply filed on January 5, 2009 has been removed from application No. 12/288,710 and placed into the instant application.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the reply filed on January 5, 2009 (Certificate of Mailing dated December 31, 2008).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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ALFRED M. WALKER
225 OLD COUNTRY ROAD
MELVILLE NY 11747-2712

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DEC 2 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Alex Koleoglou	:	
Application No. 12/228,731	:	ON PETITION
Filed: August 15, 2008	:	
Attorney Docket No. 280713 Koleoglou Wind	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 14, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant's attorney that he is 65 years of age, and Declaration from applicant that he is 65 years of age. These statements are accompanied with a copy of applicant's United States passport and New York driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3655 for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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Cades Schutte A Limited Liability
Law Partnership
1000 Bishop Street
12th Floor
Honolulu, HI 96813

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APR 02 2009

OFFICE OF PETITIONS

In re Application of	:	
Wenjing Li et al.	:	
Application No. 12/228,739	:	DECISION ON PETITION
Filed: August 15, 2008	:	TO WITHDRAW
Attorney Docket No. PAT 08-823 US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 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 Martin Hsia on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to address of the first signing inventor at the first copied address below. A courtesy copy of this decision will be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted. If an assignee has interest in an application, then compliance with 37 CFR 3.73(b) must be satisfied.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Wenjing Li
400 Hobron Lane, Apt. 704
Honolulu, HI 96815

cc: STI Medical Systems, LLC
IP Manager, Science & Technology International
733 Bishop Street, Suite 3100
Honolulu, HI 96813

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/228,739	08/15/2008	Wenjing Li	PAT 08-823 US

CONFIRMATION NO. 6678

POWER OF ATTORNEY NOTICE

55312
CADES SCHUTTE A LIMITED LIABILITY LAW PARTNERSHIP
1000 BISHOP STREET
12TH FLOOR
HONOLULU, HI 96813

OC000000035287518

Date Mailed: 04/01/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2009.

- 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.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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CARL G. DOWREY
DOWREY & ASSOCIATES
SUITE 106
19119 NORTH CREEK PARKWAY
BOTHELL, WA 98011

COPY MAILED

OCT 01 2009

OFFICE OF PETITIONS

In re Application of Bruce Walter Application No. 12/228,765 Filed: August 14, 2008 Attorney Docket No. 94-03-101	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed September 11, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Dowrey & Associates does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable. Currently, there is no Power of Attorney in the above-identified application.

All future communications from the Office will continue to be directed solely to the address of record until proper instructions have been received.

Currently, there 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.

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
www.uspto.gov

DOWREY RICKARDS
19119 NORTHCREEK PARKWAY
SUITE 106
BOTHELL, WA 98011

COPY MAILED

DEC 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Bruce Walter	:	DECISION ON PETITION
Application No. 12/228,765	:	TO WITHDRAW
Filed: August 14, 2008	:	FROM RECORD
Attorney Docket No. 94-03-101	:	

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 16, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Carl G. Dowrey on behalf of all practitioners of record who are associated with Customer Number 04856.

All attorneys/agents associated with the Customer Number 04856 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: BRUCE WALTER
THE AMISH FURNITURE GALLERY
900 9TH STREET S.
GREAT FALLS, MT 59405

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
12/228,765	08/14/2008	Bruce Walter	94-03-101

CONFIRMATION NO. 7030

POWER OF ATTORNEY NOTICE

4856
DOWREY RICKARDS
19119 NORTHCREEK PARKWAY
SUITE 106
BOTHELL, WA 98011

OC000000038987724

Date Mailed: 12/01/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/16/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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JUN 07 2010

OFFICE OF PETITIONS

Jones Day
222 East 41st Street
New York, NY 10017

In re Application of	:	
Kang Yong Kim	:	
Application No. 12/228,771	:	DECISION ON PETITION
Filed: August 15, 2008	:	TO WITHDRAW
Attorney Docket No. PAT001114-010 013721-0196-999	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 16, 2010.

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 Edward L. Pencoske and all attorneys/agents of record has been revoked by the assignee of the patent application on March 19, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Dorsey & Whitney, LLP
Intellectual Property Department
Columbia Center
701 Fifth Avenue, Suite 6100
Seattle, WA 98104-7043

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Paper No.

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JUL 01 2009

OFFICE OF PETITIONS

Michael Kahlowsky
9150 Whistable Walk
TAMARAC FL 33321

In re Application of	:	
Michael Stephen Kahlowsky	:	
Application No. 12/228,856	:	DECISION ON PETITION
Filed: August 18, 2008	:	PURSUANT TO
Title: INTERNET BASED	:	37 C.F.R. § 1.181(A)
PERSONALITY AND COMPATIBILITY	:	
PROFILING THROUGH HANDWRITING	:	
ANALYSIS	:	

This is a decision on the petition filed June 10, 2009, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 9, 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 10, 2008. A notice of abandonment was mailed on May 14, 2009.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action.

Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.** It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the

> **Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.**
>
> **A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.** That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. **If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).
>
> (Emphases added).

ANALYSIS

With this petition, Petitioner has stated that the notice of September 9, 2008 was not received at the correspondence address of record.

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

First, Petitioner has not provided a statement that adequately describes the system used for recording an Office communication received at the correspondence address of record with the USPTO, and it has not been established that the docketing system is sufficiently reliable. Petitioner has merely stated that he has a "filing system" where he places his mail, and that he writes due dates for bills on a calendar. The filing system has not

been described, and it is not clear how often it is reviewed. Moreover, Petitioner has not indicated how items are entered into this calendar, and how often this calendar is reviewed.

Secondly, Petitioner has indicated he searched "the locations where [he] could have misfiled" the notice, however he has not indicated that a search of the file jacket (or the equivalent) and the application contents was conducted, in order to determine if the notice of September 9, 2008 was received.

Third, Petitioner has not provided a copy of the record(s) where the allegedly non-received notice of September 9, 2008 would have been entered had it been received.

Fourth, Petitioner has not provided a copy of the master docket, or stated that no such master docket exists and submitted other forms of evidence (such as, but not limited to, the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question).

As such, the record does not support a finding that the holding of abandonment should be withdrawn. The petition pursuant to Rule 1.181 must be dismissed accordingly.

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[1] hand-delivery,[2] or facsimile.[3] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[4]

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Alternatively, Petitioner may also file a petition pursuant to 37 C.F.R. §§ 1.137(a)[5] and/or (b).[6] Unless Petitioner believes that he can successfully assert that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard. Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03c.htm#sect711.03c

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

---

5 The fee that is associated with the filing of this petition is presently set at $270 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0061.pdf.
6 The fee that is associated with the filing of this petition is presently set at $810 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.
7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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United States Patent and Trademark Office
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www.uspto.gov

Paper No.

Michael Kahlowsky
9150 Whistable Walk
TAMARAC FL 33321

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OFFICE OF PETITIONS

In re Application of Michael Stephen Kahlowsky Application No. 12/228,856 Filed: August 18, 2008 Title: INTERNET BASED PERSONALITY AND COMPATIBILITY PROFILING THROUGH HANDWRITING ANALYSIS	:	DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.181(A)

This is a decision on the renewed petition filed July 27, 2009, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

The renewed petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED.**

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 9, 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 10, 2008. A notice of abandonment was mailed on May 14, 2009.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action.

Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by

> the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on June 10, 2009, where Petitioner stated that the notice of September 9, 2008 was not received at the correspondence address of record. The original petition was dismissed via the mailing of a decision on July 1, 2009.

With this renewed petition, Petitioner explained that he writes due dates into his personal calendar "at time of receipt" on the page that corresponds with the date on which the correspondence is received,[1] and this calendar is reviewed on a daily basis.[2] Moreover, he has indicated that a search of the file jacket and the application contents was conducted, and the notice of September 9, 2008 was not located.[3] Still further, Petitioner

1 Renewed petition, paragraph 3.
2 Id. at 1.
3 Id. at 2.

has stated that that no master docket exists,[4] and has provided copies of the "planning system pages" dated September 10, 2008 September 20, 2008, the dates on which the notice "would have been received."[5]

However, the copies of the "planning system pages" have been reviewed, and **the handwritten notes contained therein are not fully legible.** As such, they have not been considered by the undersigned.

It follows that the record does not support a finding that the holding of abandonment should be withdrawn. This renewed petition pursuant to Rule 1.181 must be dismissed accordingly.

On second renewed petition, Petitioner should include:

- **a typewritten transcription of these "planning system pages," and;**
- **a statement indicating that the transcription is accurate.**

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9]

---

4 Id. at 4.
5 Id. at 3.
6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300- please note this is a central facsimile number.
9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[10]

Paul Shanoski
Senior Attorney
Office of Petitions

10 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Michael Kahlowsky
9150 Whistable Walk
TAMARAC FL 33321

COPY MAILED

DEC 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael Stephen Kahlowsky	:	
Application No. 12/228,856	:	DECISION ON SECOND
Filed: August 18, 2008	:	RENEWED PETITION
Title: INTERNET BASED	:	PURSUANT TO
PERSONALITY AND COMPATIBILITY	:	37 C.F.R. § 1.181(A)
PROFILING THROUGH HANDWRITING	:	
ANALYSIS	:	

This is a decision on the second renewed petition filed October 1, 2009, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

For future reference, Petitioner is strongly advised to place his application serial number on all communications with the Office, as is required by 37 C.F.R. § 1.5.[1]

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 9, 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

1 "When a letter directed to the Patent and Trademark Office concerns a previously filed application for a patent, it must identify on the top page in a conspicuous location, the application number (consisting of the series code and the serial number; e.g., 07/123,456), or the serial number and filing date assigned to that application by the Patent and Trademark Office, or the international application number of the international application. Any correspondence not containing such identification will be returned to the sender where a return address is available."

37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 10, 2008. A notice of abandonment was mailed on May 14, 2009.

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on June 10, 2009, where Petitioner stated that the notice of September 9, 2008 was not received at the correspondence address of record. The original petition was dismissed via the mailing of a decision on July 1, 2009.

A renewed petition was filed on July 27, 2009, where Petitioner explained that he writes due dates into his personal calendar "at time of receipt" on the page that corresponds with the date on which the correspondence is received,[2] and this calendar is reviewed on a daily basis.[3] Moreover, he indicated that a search of the file jacket and the application contents was conducted, and the notice of September 9, 2008 was not located.[4] Still further, Petitioner stated that that no master docket exists,[5] and provided copies of the "planning system pages" dated September 10, 2008 September 20, 2008, the dates on which the notice "would have been received."[6]

The renewed petition was dismissed via the mailing of a decision on September 8, 2009, which indicated that the handwritten notes on the copies of the "planning system pages" were not fully legible.

With this second renewed petition, Petitioner has provided both a typewritten transcription of these "planning system pages" and a statement indicating that the transcription is accurate.

CONCLUSION

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the notice of September 9, 2008 was not received.

Accordingly, this second renewed petition pursuant to 37 C.F.R.

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2 Renewed petition, paragraph 3.
3 Id. at 1.
4 Id. at 2.
5 Id. at 4.
6 Id. at 3.

§ 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

OPAP will note that on June 10, 2009, Petitioner submitted $105 for one independent claim in excess of three (as required by the notice of September 9, 2008).

Petitioner will receive appropriate notifications regarding the fees owed,[7] and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status**.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[8]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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7 Petitioner will note that on May 1, 2009, the fee associated with the filing of one independent claim over three increased to $110. **Petitioner may wish to send in the deficient $5**.

8 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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P.O. BOX 10395
CHICAGO, IL 60610

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APR 2 7 2009

OFFICE OF PETITIONS

In re Application of	:	
David R. FRIEDMAN, et al.	:	
Application No. 12/228,961	:	DECISION ON PETITION
Filed: August 15, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. **10519/920(MA-037-a)**	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 9, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because

no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Monica A. Graves at (571) 272-7253.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 0 9 2009

OFFICE OF PETITIONS

In re Application of	:	
David R. FRIEDMAN, et al.	:	
Application No. 12/228,961	:	DECISION ON PETITION
Filed: August 15, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. **10519/920(MA-037-A)**	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed May 26, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other

requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to 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 forwarded to Technology Center Art Unit 2183 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

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
12/228,961	08/15/2008	2183	2792	10519/920 (MA-037-a)	46	4

CONFIRMATION NO. 7082

CORRECTED FILING RECEIPT

67813
BRINKS HOFER GILSON & LIONE/SanDisk
P.O. BOX 10395
CHICAGO, IL 60610

OC000000036827748

Date Mailed: 07/08/2009

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)

David R. Friedman, Residence Not Provided;
Melissa C. Hawes, Residence Not Provided;
Manish Bhatia, Residence Not Provided;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 09/823,489 03/30/2001 PAT 7,424,201

Foreign Applications

If Required, Foreign Filing License Granted: 09/04/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/228,961**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Method for field-programming a solid-state memory device with a digital media file

Preliminary Class

712

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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ROBERT G. LEV
4766 MICHIGAN BLVD.
YOUNGSTOWN OH 44505

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OCT 3 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Gennadi Kabishcher, et al.	:	
Application No. 12/229,005	:	DECISION ON PETITION
Filed: August 19, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 0276-036	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 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 from the applicant, Yuri Ass 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 3672 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JUL 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Kabishcher et al.	:	
Application No. 12/229,005	:	DECISION ON PETITION
Filed: August 19, 2008	:	
Attorney Docket No. 0276-036	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 12, 2010, as required by the Notice of Allowance and Fee(s) Due mailed February 12, 2010. Accordingly, the date of abandonment of this application is May 13, 2010. A Notice of Abandonment was mailed June 1, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00 and publication fee of $300.00; (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 Data Management for processing into a patent.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROBERT G. LEV
4766 MICHIGAN BLVD.
YOUNGSTOWN OH 44505

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SEP 26 2008

In re Application of	:	
Gennadi Kabishcher, et al.	:	
Application No. 12/229,006	:	DECISION ON PETITION
Filed: August 19, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 0276-029	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 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 declaration statement signed by applicant Yuri Ass. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for processing. This application will be accorded "special" status once pre-examination processing is done.

April M Wise

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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RALPH C. FRANCIS
FRANCIS LAW GROUP
1942 EMBARCADERO
OAKLAND, CA 94606

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JUL 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Bernhard B. Sterling	:	
Application No. 12/229,080	:	DECISION ON PETITION
Filed: August 20, 2008	:	
Attorney Docket No. WE-02-024U	:	

This is a decision on the petition, filed May 21, 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.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of September 10, 2008, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before November 10, 2008.

Petitioner states that a timely reply was mailed via certificate of mailing on October 6, 2008, which included the following papers: reply to the Notice to File Missing Parts (Notice) along with a copy of a check for the surcharge, an executed declaration and a transmittal form. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated October 6, 2008, which would have rendered the reply timely if received.

The file record 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 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 September 10, 2009 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on October 6, 2008.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. all other inquiries concerning this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4100.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received with petition.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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2 3 MAR 2010

KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK NJ 07601

In re Application of	:	
MARKO, Herbert Lee	:	
U.S. Application No.: 12/229,120	:	DECISION
Filing Date: 20 August 2008	:	
Attorney Docket No.: 2701-1-003DIV	:	
For: MARKING LIQUID	:	

This is a decision on applicant's petition under 37 CFR 1.55(c), filed in the United States Patent and Trademark Office on 30 November 2009, which has been treated as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim for benefit to a prior-filed national stage application.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 37 CFR § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The reference to add the prior-filed applications on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner,

636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and an amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

It is also noted that the benefit claim is not accurate as drafted. Specifically, the claim reading "which is a National Stage Application claiming the priority of co-pending PCT Application No. PCT/AU2004/001241 filed...." should read "which is a National Stage Application of PCT Application No. PCT/AU2004/001241 filed....". A national stage application is not a separate application from the PCT application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Any inquiries concerning this decision may be directed to the Erin Thomson at (571) 272-3292.

Boris Milef
Sr. Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

2 9 JUN 2010

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KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK NJ 07601

In re Application of	:	
MARKO, Herbert Lee	:	
U.S. Application No.: 12/229,120	:	DECISION
Filing Date: 20 August 2008	:	
Attorney Docket No.: 2701-1-003DIV	:	
For: MARKING LIQUID	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed 15 April 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed international application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii).[1] Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Items (1), (2) and (3) have been satisfied.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications

---

[1] Contrary to Petitioner's assertion, the Utility Transmittal (Form PTO/SB/05) filed 20 August 2008 did not include a proper claim, as the parent application was not identified therein.

under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed international application, is attached to this decision.

Any inquiries concerning this decision may be directed to the Erin Thomson at (571) 272-3292. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1795 for appropriate action on the amendment filed 15 April 2010, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed international application.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Shinichi Dosaka	: DECISION ON REQUEST FOR
Patent Number	: 7570362	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/229,128	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/19/2008	: 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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Ralph C. Francis
Francis Law Group
1942 Embarcadero
Oakland CA 94606

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JUL 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Sterling et al.	:	
Application No. 12/229,158	:	DECISION ON PETITION
Filed: August 20, 2008	:	
Attorney Docket No. WT-02-020U	:	

This is a decision on the petition, filed May 21, 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 Notice to File Missing Parts of Nonprovisional Application (Notice) of September 10, 2008, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before November 10, 2008.

Petitioner states that a timely reply was mailed via certificate of mailing on October 6, 2008, which included the following papers: a Declaration and late Declaration surcharge payment of $65.00 submitted in response to the Notice. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated October 6, 2008, which would have rendered the reply timely if received.

The file record 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 satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of September 10, 2008 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on October 6, 2008.

This application is being referred to the Office Patent Application Processing for appropriate action in the normal course of business on the reply received with petition.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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Paper No.

Jay R Akhave
#612
2058 N Mills Aave
Clarement CA 91711

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of Sankar Reddy Budidet et al. Application No. 12/229,170 Filed: August 20, 2008 Attorney Docket No. 2008-038 Title: AMORPHOUS 1-(9H-CARBAZOL-4-YLOXY)-3-[[2-(2-METHOXYPHENOXY) ETHYL]AMINO]-2-PROPANOL PHOSPHATE SALT	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.57(A)

This is a decision on the petition pursuant to 37 C.F.R. § 1.57(a), filed on March 24, 2009, requesting that the above-referenced application be accorded a filing date of August 20, 2008.

This petition is **DISMISSED AS UNNECESSARY.**

Application papers in the above-identified application were deposited on August 20, 2008. However, on February 25, 2009, the Office of Initial Patent Examination 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.[1]

In response, Applicant timely filed this petition, where it is acknowledged that a drawing was inadvertently omitted on submission of the present application. Applicant has argued, however, that the inadvertently omitted drawing was constructively present on filing however, due to a benefit claim that was present on filing.

[1] It is noted that a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" was preveniently mailed on September 10, 2008.

It is noted that the first page of the specification, as presented on initial deposit, contains a benefit claim to Indian Patent Application No. 1844/CHE/2007, filed on August 20, 2007.

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
>
> (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 and a single drawing.

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 the figure 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.

Given the basis for dismissing this petition, the petition fee will be refunded to Petitioner's credit card 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.

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

---

2 See 37 C.F.R. § 1.121(a).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/229,179	08/20/2008	Diane M. England	DE258-67033/DP-316124	7660

22851 7590 02/16/2010
DELPHI TECHNOLOGIES, INC
LEGAL STAFF - M/C 483-400-402
5725 DELPHI DRIVE
PO BOX 5052
TROY, MI 48007

EXAMINER
NECKEL, ALEXA DOROSHENK

ART UNIT	PAPER NUMBER
1795	

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.

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DELPHI TECHNOLOGIES, INC
LEGAL STAFF - M/C 483-400-402
5725 DELPHI DRIVE
PO BOX 5052
TROY MI 48007

FEB 16 2010

In re Application of	:	
England et al.	:	DECISION ON PETITION
Application No. 12/229,179	:	TO MAKE SPECIAL UNDER
Filed: 8/20/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **DE258-67033/DP-316124**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/27/2010, 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 48/116.000) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1795 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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GALLOP, JOHNSON & NEUMAN, L.C.
101 S. HANLEY, SUITE 1600
ST. LOUIS, MO 63105

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APR 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Laurie Taylor	:	DECISION ON PETITION
Application No. 12/229,236	:	TO WITHDRAW
Filed: August 20, 2008	:	FROM RECORD
Attorney Docket: 15812-000003/US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Gallop, Johnson & Neuman, L.C, was revoked as power of attorney by the applicant of the patent application on March 25, 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: HARNESS, DICKEY, & PIERCE, P.L.C
7700 BONHOMME, SUITE 400
ST. LOUIS, MO 63105

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ANNE MCGOVERN BURKHART C/O CARMER PATTI LAW GROUP
1 NORTH LA SALLE, 44TH FLOOR
CHICAGO IL 60602

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DEC 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Romeo, Joseph	:	DECISION ON PETITION
Application No. 12/229,241	:	TO WITHDRAW
Filed: August 21, 2008	:	FROM RECORD
Title: Beverage Mix Dispensing Closure	:	

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 4, 2009.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were not appointed via Customer Number. Therefore, requesting to withdraw via Customer Number is not the appropriate course.

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 is an outstanding Office action mailed July 16, 2009 that requires a reply. Failure to timely do so will result in abandonment of the instant application.

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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1 NORTH LA SALLE, 44TH FLOOR
CHICAGO IL 60602

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JAN 07 2010

In re Application of Romeo, Joseph Application No. 12/229,241 Filed: August 21, 2008 Title: BEVERAGE MIX DISPENSING CLOSURE	: : : : :	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 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 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 Anne Burkhart on behalf of all attorneys/agents of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first-named inventor, Joseph Romeo, at the address indicated below.

There is an outstanding Office action, mailed July 16, 2009, which requires a reply from the applicant. Failure to timely and properly do so will result in abandonment of the application.

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: JOSEPH ROMEO
605 WHITE SANDS BAY
ROSELLE, IL 60172

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CISLO & THOMAS LLP
1333 2ND STREET
SUITE #500
SANTA MONICA CA 90401-4110

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OFFICE OF PETITIONS

In re Application of

GREEN, Theodore A.
Application No. 12/229,274
Filed: August 21, 2008
Attorney Docket No. **08-20983**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 04, 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 (2) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **THEODORE A. GREEN**
13062 PALOMAR STREET
WESTMINSTER CA 92683

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CISLO & THOMAS LLP
1333 2ND STREET
SUITE #500
SANTA MONICA CA 90401-4110

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MAR 2 6 2009

OFFICE OF PETITIONS

In re Application of

GREEN, Theodore A.
Application No. 12/229,274
Filed: August 21, 2008
Attorney Docket No. **08-20983**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 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 Daniel Cislo on behalf of all attorneys of record who are associated with customer No. 25189. All attorneys/agents associated with the Customer Number 25189 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 Theodore Green 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: **THEODORE A. GREEN**
13062 PALOMAR STREET
WESTMINSTER CA 92683

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WILLIAM J. MASON
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WRIGHTSVILLE BEACH, NC 28480

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OCT 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Herbert FEINROTH, et al	:	
Application No. 12/229,299	:	DECISION ON PETITION
Filed: August 21, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 5890-001A	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 21, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of Applicant Herbert Feinroth 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.

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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Jonathan A. Bay
Attorney at Law
Suite 314
333 Park Central East
Springfield MO 65806

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JUL 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert G. Nothum, Jr.	:	
Application No. 12/229,321	:	ON PETITION
Filed: August 21, 2008	:	
Attorney Docket No. 337-41	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 10, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 11, 2008. The Notice of Abandonment was mailed May 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

The application file is being referred to the Office of Patent Application Processing for further processing.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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EUGENE CARL WAGNER
1626 CHASTAIN PARKWAY EAST
PACIFIC PALISADES, CA 90272

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SEP 26 2008

In re Application of	:	
Gerald W. Damsky	:	
Application No. 12/229,356	:	DECISION ON PETITION
Filed: August 23, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. DAMSKI-1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 23, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for processing. This application will be accorded "special" status once pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

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SEP 29 2009

OFFICE OF PETITIONS

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of	:	
Mikko MAKELA	:	
Application No. 11/229,384	:	DECISION ON PETITION
Filed: September 15, 2005	:	
Attorney Docket No. 042933/379349	:	

This is a decision on the petition, filed May 26, 2009, which is being treated as a petition under 37 CFR 1.8(b) (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed September 19, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 20, 2008.

Petitioner asserts that a proper response to the Office action dated September 19, 2008 was mailed to the office in a timely manner. Petitioner has provided the Office with a copy of the post card receipt dated January 23, 2009, with a Certificate of Mailing dated January 20, 2009.

A review of the Office records indicates that a response was filed January 23, 2009, with a Certificate of Mailing dated January 20, 2009 with the application serial number 11/299,384. In processing by the Office the response was initially placed in 11/299,384. However a subsequent review of the identifiers by the Office indicates that the correct serial number should have been 11/229,384. The Office moved the response of January 23, 2009 from 11/299,384 to 11/229,384 and the RCE and extension of times will be entered. Since the Office has discovered the mistake by applicant in the papers filed, the petition will therefore be granted.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to the Technology Center Art Unit 2173 for the appropriate action on the RCE.

Thurman K. Page
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

BLACK LOWE & GRAHAM PLLC
Jeffrey J. King, Esq.
Suite 4800
701 Fifth Avenue
Seattle WA 98104

In re Application of	:	
Bette Pollard	:	
Application No. 12/229,399	:	ON PETITION
Deposited: August 22, 2008	:	
Attorney Docket No. POLL-1-0102	:	

This is in response to the petition filed November 12, 2008, requesting that the inadvertently omitted drawings be accepted. The instant petition is also being treated as a request that the above-referenced application be accorded a filing date of August 22, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on August 22, 2008. However, on September 12, 2008, the Office of Patent Application Processing mailed applicant 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. The Notice also indicated that the oath or declaration was missing as was the filing fee, search fee, examination fee and additional claim fee for a total of $645 in fees. In response, applicants 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 1.55 or 1.78. Petitioner also requests full refund of this petition fee.

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 August 22, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee would be refunded to petitioner's deposit account. However, the required additional fees of $645 ($155 filing fee, $255 search fee, $105 examination fee, $105 additional independent claim fee and $25 additional dependent claim fee) are charged to petitioner's deposit account for a total charge of $245.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to January 23, 2009**;
- **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 November 12, 2008 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Carl Friedman at (571) 272-6842.

for

David Bucci
Petitions Examiner
Office of Petitions

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JAN 20 2010

OFFICE OF PETITIONS

BLACK LOWE & GRAHAM PLLC
Jeffrey J. King, Esq.
Suite 4800
701 Fifth Avenue
Seattle WA 98104

In re Application of	:	
Bette Pollard	:	CORRECTED
Application No. 12/229,399	:	DECISION ON PETITION
Deposited: August 22, 2008	:	
Attorney Docket No. POLL-1-0102	:	

This is a corrected decision on the petition filed November 12, 2008, requesting that the inadvertently omitted drawings be accepted. The instant petition is also being treated as a request that the above-referenced application be accorded a filing date of August 22, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

The petition decision mailed November 12, 2009 indicated on page 2 that the filing date was to be corrected to January 2, 2009. This should have read corrected to August 22, 2008.

Application papers in the above-identified application were deposited on August 22, 2008. However, on September 12, 2008, the Office of Patent Application Processing mailed applicant 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. The Notice also indicated that the oath or declaration was missing as was the filing fee, search fee, examination fee and additional claim fee for a total of $645 in fees. In response, applicants 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 1.55 or 1.78. Petitioner also requests full refund of this petition fee.

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 August 22, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee would be refunded to petitioner's deposit account. However, the required additional fees of $645 ($155 filing fee, $255 search fee, $105 examination fee, $105 additional independent claim fee and $25 additional dependent claim fee) are charged to petitioner's deposit account for a total charge of $245.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to August 22, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Entry of the amendment filed November 12, 2008 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

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PETERS VERNY , L.L.P.
425 SHERMAN AVENUE
SUITE 230
PALO ALTO CA 94306

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JAN 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Alan Bruce Montgomery	:	DECISION ON PETITION
Application No. 12/229,425	:	TO WITHDRAW
Filed: August 21, 2008	:	FROM RECORD
Attorney Docket No. 3818.02- 5D1	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 6, 2009.

The request is **NOT APPROVED.**

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 Hana Verny on behalf of all attorneys of record associated with Customer Number 23308. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

According to a review of current USPTO records petitioner has not recognized the current recorded assignee concerning the above-identified application or the first listed inventor. Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the

address on the Request to Withdraw. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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MICHAEL KLIM CULJAK
19170 NW 80TH DRIVE
OKEECHOBEE FL 34972

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OCT 2 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Michael Klim Culjak	:	DECISION ON PETITION
Application No. 12/229,579	:	TO MAKE SPECIAL
Filed: August 25, 2008	:	37 CFR 1.102(C)
Title: Tidal Pump Generator	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 30, 2008 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant, certifying that he is 65 or older. 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 2834 for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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OCT 13 2009

OFFICE OF PETITIONS

RUTAN & TUCKER, LLP
611 ANTON BLVD
SUITE 1400
COSTA MESA, CA 92626

In re Application of	:	
Anjun Jerry Jin et al	:	
Application No. 12/229,708	:	DECISION ON PETITION
Filed: August 26, 2008	:	TO WITHDRAW
Attorney Docket No. 027422-0003P	:	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 27, 2009.

The request is **APPROVED**.

The request was signed by Thomas S. Ferrill 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 Anjun Jerry Jin 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: Anjun Jerry Jin
2096 Ascot Driver, Apt. 10
Moraga, CA 94556

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/229,708	08/26/2008	Anjun Jerry Jin	027422-0003P

CONFIRMATION NO. 1414

POWER OF ATTORNEY NOTICE

34284
Rutan & Tucker, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA, CA 92626

OC000000038171967

Date Mailed: 10/13/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/27/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/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 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
12/229,708	08/26/2008	Anjun Jerry Jin	027422-0003P

CONFIRMATION NO. 1414

POA ACCEPTANCE LETTER

Anjun Jerry Jin
2096 Ascot Driver, Apt. 10
Moraga, CA 94556

OC000000038172033

Date Mailed: 10/13/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/27/2009.

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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R. SCOTT NEWKIRK
10529 W. PLEASANT VALLEY RD.
SUN CITY, AZ 85351-1846

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SEP 25 2008

In re Application of	:	
Patricia Ann NEWKIRK, et al	:	
Application No. 12/229,709	:	DECISION ON PETITION
Filed: August 26, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. SPITTING LURE	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 26, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Applicant Patricia Ann Newkirk. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

This application is being referred back to the Office of Patent Application Processing for processing. This application will be accorded "special" status when pre-examination processing is done.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK NJ 07601

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AUG 25 2009

OFFICE OF PETITIONS

In re Application of
Richard S. Polevoy et al
Application No. 12/229,723
Filed: August 25, 2008
Attorney Docket No. 2340-1-030N

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 25, 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 amendment/Abstract; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts mailed September 16, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

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DEC 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Tony M. Pearce, et al.	:	
Application No. 12/229,724	:	ON PETITION
Filed: August 25, 2008	:	
Attorney Docket No. 3388.01-9436US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 12, 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 16, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 17, 2008. The Notice of Abandonment was mailed June 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 an oath, drawings, basic filing fee, surcharge, search fee, examination fee and additional claim fees; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

The application file is being referred to the Office of Patent Application Processing for further processing.

Terri Johnson
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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NELSON MULLINS RILEY
& SCARBOROUGH, LLP
1320 MAIN STREET, 17TH FLOOR
COLUMBIA, SC 29201

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OCT 01 2009

OFFICE OF PETITIONS

In re Application of	:	
BROKER, Sean Robert et al.	:	
Application No. 12/229,742	:	DECISION ON PETITION
Filed: August 26, 2008	:	TO WITHDRAW
Attorney Docket No. **41832/5242**	:	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 09, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Nelson Mullins Riley & Scarborough, LLP has been revoked by the assignee of the patent application on August 26, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will 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: **JELD-WEN, INC. - STOEL RIVES LLP**
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

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NELSON MULLINS RILEY
& SCARBOROUGH, LLP
1320 MAIN STREET, 17TH FLOOR
COLUMBIA, SC 29201

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OFFICE OF PETITIONS

In re Application of	:	
BROKER, Sean Robert et al.	:	
Application No. 12/229,744	:	DECISION ON PETITION
Filed: August 26, 2008	:	TO WITHDRAW
Attorney Docket No. **41832/5241**	:	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 09, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Nelson Mullins Riley & Scarborough, LLP has been revoked by the assignee of the patent application on August 26, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will 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: **JELD-WEN, INC. - STOEL RIVES LLP**
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

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PHILIP L BATEMAN
P. O. BOX 1105
DECATUR, IL 62525

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SEP 15 2008

In re Application of	:	
LEON H. LANGHAUSER	:	
Application No. 12/229,784	:	DECISION ON PETITION
Filed: August 27, 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 August 27, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Leon Langhauser 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

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

Patent No. : PP20,408
Inventor(s) :Ault
Issued :10/13/09
Title : BAPTISIA PLANT NAMED 'SOLAR FLARE'
Docket No. :200743

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
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-8300
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

RoChaun Johnson
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0470

[PENNY J. AGUIRRE
BIOLOGICAL PATENT SERVICES, LLC
8424 40TH AVE. N., NEW HOPE, MN
55427]

[RMJ]

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVENUE
SUITE 2400
AUSTIN TX 78701

MAIL

APR 15 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER

In re Application of
Jonathan c. Silverstein *et al*
Serial No.: 12/229,876
Filed: August 27, 2008
For: **SYSTEM AND METHODS FOR IMAGE COLORIZATION**

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 CFR §1.184(a)(2), filed August 27, 2008 requesting acceptance color drawings.

The petition requests that the color drawings identified in FIGSS. 1, 2, 3, 4, 5, and 6 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), 3 (three) sets of the color drawings in question, 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 file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is GRANTED.

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT NATHANS
36 STAG DRIVE
BILLERICA MA 01821

COPY MAILED
NOV 10 2008

In re Application of	:	
WANDEL, Thaddeus	:	
Application No. 12/229,960	:	DECISION ON PETITION
Filed: August 26, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **WANDEL-1**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 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 by Thaddeus Wandel attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status. Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3761 for action on the merits commensurate with this decision.

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.
12/230,074	08/22/2008	Masao Saitoh	138224	8394

7590 02/27/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
02/27/2009	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

Repln. Ref: 03/02/2009 BPOWELL 0016315200
DA#:150461 Name/Number:12230074
FC: 9204 $510.00 CR

Repln. Ref: 03/03/2009 BPOWELL 0016315200
DA#:150461 Name/Number:12230074
FC: 9204 $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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/230,107	08/22/2008	Jung-Suk Song	P58758	8455

7590 07/06/2010
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
BOWMAN, MARY ELLEN

ART UNIT	PAPER NUMBER
2879	

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.

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/230,152	08/25/2008	Hitoshi Nakanishi	SON-4068	8962

7590 09/23/2009
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER
HARRINGTON, ALICIA M

ART UNIT	PAPER NUMBER
2873	

MAIL DATE	DELIVERY MODE
09/23/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/24/2009 NFARMER
08/26/2008 DEMRANO1 00000032 180013 12230152
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

LITMAN LAW OFFICES, LTD.
P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215-0035

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
George J. WAJDA	:	
Application No. 12/230,167	:	DECISION ON PETITION
Filed: August 25, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 30196.01	:	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 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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P.O. Box 1450
Alexandria, VA 22313-1450
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LITMAN LAW OFFICES LTD.
PO BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215-0035

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SEP 25 2008

In re Application of	:	
Erich G. SCHOEPE	:	
Application No. 12/230,171	:	DECISION ON PETITION
Filed: August 25, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 29805.00	:	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 declaration statement 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 3765 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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COVINGTON & BURLING, LLP
ATTN: PATENT DOCKETING
1201 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004-2401

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Application.	:	
Licciardello et al.	:	DECISION ON PETITION
Application No. 12/230,182	:	TO WITHDRAW
Filed: August 25, 2008	:	FROM RECORD
Attorney Docket No. 028536.00001-US03	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 1, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Covington & Burling, LLP was not appointed power of attorney in this patent application, however was designated as the correspondence address of record. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The application is currently abandoned for failure to respond to the Office action mailed November 24, 2009.

Petitioner should note that requests filed prior to the expiration date of a time period for reply or the expiration date of a time period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a), the Office will review the Request and render a decision, even if the decision on the Request is decided after the stated period for reply, after the application is abandoned, or after proceedings have terminated. In contrast, the Office will not decide on requests to withdraw from representation as practitioner of record which are filed after the expiration date of a time period for reply or the expiration date of a time period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). These Requests will be placed in the application but will not be treated on their merits.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/230,219	08/26/2008	Yoshihiko Shiraishi	01-1709	9551

7590 01/26/2010
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
NGUYEN, TAI V

ART UNIT	PAPER NUMBER
3729	

MAIL DATE	DELIVERY MODE
01/26/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tomi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 01/28/2010 NFARMER
08/27/2008 DEMAND: 00000004 12230219
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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/230,262	08/26/2008	Seiichiro Ishio	01-1746	1009

EXAMINER
MALSAWMA, LALRINFAMKIM HMAR

ART UNIT	PAPER NUMBER
2892	

MAIL DATE	DELIVERY MODE
12/10/2009	PAPER

7590 12/10/2009
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

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
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/320,263	01/22/2009	Osamu Mizoguchi	NE-71756US	5001

21254 7590 12/18/2009
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
BREWSTER, WILLIAM M

ART UNIT	PAPER NUMBER
2823	

MAIL DATE	DELIVERY MODE
12/18/2009	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

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of	:	
Osamu MIZOGUCHI	:	**DECISION ON REQUEST TO**
Application No. 12/320,263	:	**PARTICIPATE IN PATENT**
Filed: 22 January 2009	:	**PROSECUTION HIGHWAY**
Attorney Docket No. NE-71756US	:	**PROGRAM AND PETITION**
For: METHOD FOR	:	**TO MAKE SPECIAL UNDER**
MANUFACTURING	:	**37 CFR 1.102(d)**
SEMICONDUCTOR DEVICE INCLUDING TESTING DEDICATED PAD AND PROBE CARD TESTING		

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 August 2009 and renewed on 19 November 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, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;

3. Applicant must
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and

b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

      Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;

6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

7. The required petition fee under 37 CFR 1.17(h).

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 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/230,349	08/28/2008	Shigehiro Mutoh	01-1741	1755

7590 01/07/2010
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
3664	

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.

Patent Publication Branch
Office of Data Management

Adjustment date: 01/07/2010 NFATTER
08/23/2006 DEMANDI 00000013 12230349
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 0 1 2008

OFFICE OF PETITIONS

BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

In re Application of	:	
Li et al.	:	DECISION GRANTING STATUS
Application No. 12/230,397	:	UNDER 37 CFR 1.47(a)
Filed: August 28, 2008	:	
Attorney Docket No. 128503.0103	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 28, 2008.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventors have refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to Ramesh Krishnamurthy at (571) 272-4914.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 0 1 2008

OFFICE OF PETITIONS

Jane W. BLAKE
2 Muirs Ct.
Alexandria, VA 22314-2415

In re Application of
Peter Chao-Yuan LI, Jeffrey R. COLLMANN, Jane W. BLAKE, Mark G. POLYAK, James M. Wilson and Jae in YOON
Application No. 12/230,397
Filed: August 28, 2008
For: SYSTEM AND METHOD FOR DETECTING, COLLECTING, ANALYZING, AND COMMUNICATING EVENT-RELATED INFORMATION

Dear Ms. BLAKE:

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 Ramesh Krishnamurthy at (571) 272 - 4914. 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).

David Buczi
Petitions Examiner
Office of Petitions

cc: MICHAEL C. GREENBAUM
BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

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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OCT 01 2008

OFFICE OF PETITIONS

Mark G. POLYAK
6357 Wingate St.
Alexandria, VA 22312-1617

In re Application of
Peter Chao-Yuan LI, Jeffrey R. COLLMANN, Jane W. BLAKE, Mark G. POLYAK, James M. Wilson and Jae in YOON
Application No. 12/230,397
Filed: August 28, 2008
For: SYSTEM AND METHOD FOR DETECTING, COLLECTING, ANALYZING, AND COMMUNICATING EVENT-RELATED INFORMATION

Dear Mr. POLYAK:

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 Ramesh Krishnamurthy at (571) 272 - 4914. 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).

David Bucci
Petitions Examiner
Office of Petitions

cc: MICHAEL C. GREENBAUM
BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

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OCT 01 2008

OFFICE OF PETITIONS

James M. WILSON, M.D.
16 Leadbeater St.
Alexandria, VA 22305

In re Application of
Peter Chao-Yuan LI, Jeffrey R. COLLMANN, Jane W. BLAKE, Mark G. POLYAK, James M. WILSON and Jae in YOON
Application No. 12/230,397
Filed: August 28, 2008
For: SYSTEM AND METHOD FOR DETECTING, COLLECTING, ANALYZING, AND COMMUNICATING EVENT-RELATED INFORMATION

Dear Dr. WILSON:

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 Ramesh Krishnamurthy at (571) 272 - 4914. 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).

David Bucci
Petitions Examiner
Office of Petitions

cc: MICHAEL C. GREENBAUM
BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

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United States Patent and Trademark Office
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OCT 01 2008

OFFICE OF PETITIONS

Jae in Yoon
14522 Battery Ridge Ln.
Centreville, VA 20120

In re Application of
Peter Chao-Yuan LI, Jeffrey R. COLLMANN, Jane W. BLAKE, Mark G. POLYAK, James M. Wilson and Jae in YOON
Application No. 12/230,397
Filed: August 28, 2008
For: SYSTEM AND METHOD FOR DETECTING, COLLECTING, ANALYZING, AND COMMUNICATING EVENT-RELATED INFORMATION

Dear Mr. YOON:

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 Ramesh Krishnamurthy at (571) 272 - 4914. 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).

David Bucci
Petitions Examiner
Office of Petitions

cc: MICHAEL C. GREENBAUM
BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

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Print Form

Beatriz

DECISION ON PETITION ROUTING SLIP

MAILED

MAY 04 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Application No.: 12/230,397

Art Unit: 2451

For Director's Secretary:

☐ **Granted** ☐ **Denied** ☒ **Dismissed**

☐ Decision to be reviewed and signed by Director

☒ Mail Decision & enter decision in Petition Database

☒ Forward a copy of the mailed decision to IFW for scanning

☒ Enter Paper and the decision in PALM

☒ Other

PETITION CODE # 699 Petition code #699

For TECH Support Staff:

☐ Process and enter Paper Nos.

☐ Charge fee to D.A. No.

☐ Other

☐ Forward file to

Quality Assurance Specialist No. 1:	Quality Assurance Specialist No. 2:	Quality Assurance Specialist No. 3:	Quality Assurance Specialist No. 4:
Christopher Grant, WQAS 2420 Knox 6D49 (571) 272-3613	Kizou Hassan, WQAS 2460/70 Jeff 2A11 (571) 272-3088	Kim Huynh, WQAS 2440/50 RND 4B09 (571) 272-4147	Chau Nuyen, WQAS 2460/70 Jeff 3D49 (571) 272-3126

Quality Assurance Specialist No. 5:	Quality Assurance Specialist No. 6:	Quality Assurance Specialist No. 7:	Quality Assurance Specialist No. 8:
Tod Swann, WQAS 2430 RND 4B05 (571) 272-3612	Beatriz Prieto, WQAS 2440/50 Jeff 3D59 (571) 272-3902		

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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MAY 04 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Michael C. Greenbaum
BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

In re Application of: LI, Peter C. et. al.
Application No. **12/230,397**
Filed: August 28, 2008
Atty No. Docket No. 128503.0103
Title of Invention: SYSTEM AND METHOD FOR DETECTING, COLLECTING, ANALYZING, AND COMMUNICATING EVENT-RELATED INFORMATION

DECISION ON PETITION FOR EXPUNGING INFORMATION UNDER UNDER 37 CFR § 1.59

This is a decision on a petition under 37 CFR § 1.59(b), filed on 04/03/09, to expunge Material containing trade secret and/or proprietary information belonging to Georgetown University and are being submitted for consideration under MPEP §724.

The petition is **DISMISSED**.

Petitioner requests that the information submitted on 4/03/09 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. 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 petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on 4/03/09 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. The required fee must be submitted for such a second submission of a petition under 37 CFR § 1.59 to expunge information.

Any inquiry concerning this decision should be directed to 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.

/Beatriz Prieto/

Beatriz Prieto, WQAS
Technology Center 2400
Network, Multiplexing, Cable and Security

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/230,397	08/28/2008	Peter Chao-Yuan Li	128503.0103	1462

27557 7590 05/05/2010
BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER
MAUNG, ZARNI

ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
05/05/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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RICHES, MCKENZIE
& HERBERT, LLP
SUITE 1800
2 BLOOR STREET EAST
TORONTO ON M4W 3J5 CA
CANADA

COPY MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Youssef, et al.	:	
Application No. 12/230,444	:	DECISION
Filed/Deposited: 28 August, 2008	:	
Attorney Docket No. P56308	:	

This is a decision on the petition filed on 14 January, 2009, and properly considered under 37 C.F.R. §1.53, to obtain a filing date of 28 August, 2008, for page 13 of the specification of the instant application.

The petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 28 August, 2008

On 19 September, 2008, the Office of Initial Patent Examination (OIPE) mailed a Notice Of Missing Parts (oath, fees, surcharge, replacement drawings) and included therein a Notice of Omitted Items: to wit: "Page(s) 13 of the specification (description and claims"), and, thus, the application had been accorded a filing date but without Page(s) 13 of the specification (description and claims).

OIPE 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.

OIPE set a two- (2-) month period for reply.

On 26 November, 2008, Petitioner submitted a reply (*inter alia*, fees) with request and fee authorization for extension of time, however, on 10 December, 2008, the Office mailed a Notice of Incomplete Reply (as to drawings and Page 13 of the specification (description and claims).

On 14 January, 2009, Petitioner filed, *inter alia*, a request and fee authorization for extension of time, petition, including therewith, *inter alia*, what was averred to be a true copy of the date-stamped ("AUG 28 2008") receipt card and a copy of the Page(s) 13 of the specification (description and claims).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

ANALYSIS

A search of the official file reveals that:

- on 28 August, 2008, Petitioner deposited the instant application;
- the Office record reflects that Pages(s) 13 of the specification (description and claims) \was not present upon deposit;
- the date-stamped ("AUG 28 2008") receipt card evidences–in pertinent part–the following:

[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).

***

Encl. Unsigned Declaration; Application Information Sheet (5 sheets); Disclosure pgs 1-21; Claims pgs. 22-28; Abstract pg, 29; 7 sheets of drawings (Emphasis supplied)

***

Thus, the Office acknowledges receipt of pages numbered 1-21, 22-28 and 29.

Because Petitioner's receipt card adequately itemized the contents of the application as to the elements deposited, it is concluded that the application—Disclosure pgs 1-21, Claims pgs. 22-28, Abstract pg, 29, 7 sheets of drawings—including Page(s) 13 of specification (description and claims)— was deposited with the Office on 28 August, 200, and the Page(s) 13 of the specification subsequently was misplaced in the Office.

Accordingly, the application, including 29 pages of specification (description, claims and abstract)—including the Page(s) 13 of the specification (description and claims)—and 7 sheets of drawings, is entitled to a filing date of 28 August, 2008.

The Notice mailed on 19 September, 2008, was sent in error to the extent that it reflected the omission of Page(s) 13 of the specification (description and claims) is hereby **vacated** to the extent that it stated that the application was accorded a filing date without Page(s) 13 of the specification (description and claims).

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 29 pages of specification (description, claims and abstract)—including therein Page(s) 13 of the specification (description and claims)—and 7 sheets of drawings using:

- **pages 1–12 and 14-29 of the specification (description, claims abstract) and 7 sheets of drawings deposited on 28 August, 2008; and**
- **the Page(s) 13 of the specification (description and claims) deposited on 14 January, 2009; and further,**

with direction to OPAP to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 28 August, 2008, and reflecting therein that 29

pages of specification (description and claims) and 7 sheets of 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:

§1.2 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

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Valentine OBI	:	
Application No. 12/230,524	:	DECISION ON PETITION
Filed: August 29, 2008	:	TO WITHDRAW
Attorney Docket No. 0074717-000001	:	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 11, 2010.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the request to withdraw does not include a Customer Number. In this regard, the Office is not clear as to which attorneys are to be withdrawn.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: VALENTINE OBI, ETRANZACT GLOBAL
5TH FLOOR, FORTUNE TOWERS,
27/29 ADEYEMO ALAKIJA STREET
LAGOS NIGERIA

UNITED STATES PATENT AND TRADEMARK OFFICE

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POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED

JUN 17 2010

OFFICE OF PETITIONS

In re Application of	
Valentine OBI	
Application No. 12/230,524	DECISION ON PETITION
Filed: August 29, 2008	TO WITHDRAW
Attorney Docket No. 0074717-000001	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 4, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Charles S. Wieland III on behalf of all the attorneys of record associated with Customer No. 21839.

The attorneys of record associated with Customer No. 21839 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 first copied below 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

cc: VALENTINE OBI, ETRANZACT GLOBAL
5TH FLOOR, FORTUNE TOWERS,
27/29 ADEYEMO ALAKJA STREET
LAGOS, NIGERIA

cc: CHARLES F. WIELAND III
1737 KING STREET, SUITE 500
ALEXANDRIA, VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/230,524	08/29/2008	Valentine Obi	0074717-000001

CONFIRMATION NO. 2206

POWER OF ATTORNEY NOTICE

21839
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

OC000000042093587

Date Mailed: 06/15/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/04/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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DEC 1 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Mills	:	
Application No. 12/230547	:	DECISION
Filed: 29 August, 2008	:	
Attorney Docket No. 08056.0022-01	:	

This is a decision on the petition filed on 17 November, 2008, 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 as Petitioner sought to have restarted the period of reply herein.

The petition under 37 C.F.R. §1.181 is **DISMISSED**.

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 and showing requirements for relief under 37 C.F.R. §1.181.Petitioner appears not to satisfy the requirement set forth in the Commentary at MPEP §711.03(c)(I).

BACKGROUND

The record reflects as follows:

Following the filing of the instant application on 29 August, 2008, the Office mailed on 18 September, 2008, a Notice to File Missing Parts (fees, replacement drawings) (the 18 September, 2008, Notice) (copy enclosed), with reply due absent extension of time on or about 18 November, 2008.

Rather than reply timely and properly, Petitioner chose instead to file on 17 November, 2008, the instant petition seeking to restart the period of reply, and averred non-receipt of the 18

September, 2008, Notice—however, Petitioner made absolutely no showing of non-receipt as set forth in the Commentary at MPEP §711.03(c)(I), which provides in pertinent part:

***

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[1] (Emphasis supplied.)

***

Petitioner failed to provide the docket sheet (or file jacket cover) for the instant application and the due date docket/calendar for the firm for the due date of the reply. Petitioner failed to make the statement of non-receipt supported by the statement of search and non-discovery, with a description of the docketing system and statement of its reliability. Again, Petitioner's attentions are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness and showing requirements for relief under 37 C.F.R. §1.181. Petitioner will find it helpful to move stepwise through the Commentary in satisfying each element required.

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 as to 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 that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying

---

[1] *See*: MPEP §711.03(c) (I)(A).

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).

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 it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.181 is **dismissed as moot** in that no Notice of Abandonment has been mailed by the Office herein, and Petitioner has failed to make any showing as to a basis for re-mailing of the 18 September, 2008, Notice. Moreover, a copy of the Notice is enclosed herewith and Petitioner should reply thereto, mindful of the original date of mailing as set forth above.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

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[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).

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

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 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[3]) 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

[3] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/230,547	08/29/2008	Randell L. Mills	08056.0022-01

CONFIRMATION NO. 1919

FORMALITIES LETTER

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

OC000000032129315

Date Mailed: 09/18/2008

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 statutory basic filing fee is missing.
  Applicant must submit $310 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

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 must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 4.
  - The drawings submitted to the Office are not electronically reproducible because portions of figures 12, 34 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.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **$14530** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

- 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 **$130** for a non-small entity, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$16470** for a non-small entity
- **$310** Statutory basic filing fee.
- **$130** Surcharge.
- The application search fee has not been paid. Applicant must submit **$510** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **$210** to complete the examination fee for a non-small entity.
- The specification and drawings contain more than 100 pages. Applicant owes **$780** for **127** pages in excess of **100** pages for a non-small entity.
- Total additional claim fee(s) for this application is **$14530**
  - **$210** for **1** independent claims over 3.
  - **$13950** for **279** total claims over 20.
  - **$370** for multiple dependent claim 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.

/llvuong/

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
12/230,547	08/29/2008	Randell L. Mills	08056.0022-01

CONFIRMATION NO. 1919

FORMALITIES LETTER

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

OC000000032129315

Date Mailed: 09/18/2008

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 statutory basic filing fee is missing.
  *Applicant must submit $**310** to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

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 must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 4.
  - The drawings submitted to the Office are not electronically reproducible because portions of figures 12, 34 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.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of $**14530** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

- 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 **$130** for a non-small entity, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$16470** for a non-small entity
- **$310** Statutory basic filing fee.
- **$130** Surcharge.
- The application search fee has not been paid. Applicant must submit **$510** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **$210** to complete the examination fee for a non-small entity.
- The specification and drawings contain more than 100 pages. Applicant owes **$780** for **127** pages in excess of **100** pages for a non-small entity.
- Total additional claim fee(s) for this application is **$14530**
  - **$210** for **1** independent claims over 3.
  - **$13950** for **279** total claims over 20.
  - **$370** for multiple dependent claim 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.

/llvuong/

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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KUBOVCIK & KUBOVCIK
SUITE 1105
1215 SOUTH CLARK STREET
ARLINGTON VA 22202

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of
Ueno, et al.
Application No. 12/230,555
Filed: August 29, 2008
Attorney Docket No. YSM-036-025
For: SUBSTRATE-EXAMINING APPARATUS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 4, 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 22, 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 November 23, 2008. A Notice of Abandonment was mailed on June 4, 2009.

Applicants have submitted a proper reply to the September 22, 2008 Notice in the form of replacement drawings, an acceptable statement of the unintentional nature of the delay in responding to the September 22, 2008 Notice, and the $1,620.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/230,595	09/02/2008	Sang-Hun Jang	P58757	2678

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
10/23/2009	PAPER

7590 10/23/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

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)

Depin. Ref: 10/26/2009 BPOWELL 0014364500
[illegible]024943 Name/Number:12230395
PC: 9204 $510.00 CR

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KUBOVCIK & KUBOVCIK
SUITE 1105
1215 SOUTH CLARK STREET
ARLINGTON, VA 22202

COPY MAILED

AUG 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Naoki IMACHI	:	
Application No. 12/230,631	:	DECISION ON PETITION
Effective Date: September 02, 2008	:	
Attorney Docket No. SNY-128	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 29, 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 26, 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 27, 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 September 26, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

This application is being referred to the Office Patent Application Processing.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

COPY MAILED

JUN 2 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Liu et al.	:	DECISION ON PETITION
Application No. 12/230,662	:	
Filed: September 3, 2008	:	
Atty Docket No. LIUW3016/EM	:	

This is in response to the PETITION FOR DATE OF DEPOSIT filed September 30, 2008, which is properly considered as a petition under § 1.53(e)(2). Petitioner requests that the Office accord the above-identified application a filing date of September 3, 2008, with Figs. 3-6 considered part of the original application disclosure.

Application papers in the above-identified application were deposited on September 3, 2008. However, on September 23, 2008, the Office mailed applicants a NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION. Applicants were thereby notified that the application papers had been accorded a filing date; however, Figs. 3-6 described in the specification appeared to have been omitted from the application.

In response, applicant filed the instant petition (and petition fee). Applicant submits that the above-identified application wad filed in the United States Patent and Trademark Office and included among the application documents filed were three (3) sheets of drawings depicting Figs. 1-4, 5A-5D and 6. In support thereof, applicant submitted a copy of their date-stamped postcard receipt. Accompanying the petition is a copy of the drawing figures, including figs. 3,4, 5A-5D and 6, as applicant maintains they were originally filed.

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 applicant's postcard receipt reveals that: 1) it was date stamped as received in the USPTO on September 3, 2008; 2) it specifically identifies the items being filed, including "3 sheets of drawings (Figs. 1-4,5A-5D, 6)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, applicant has shown that the items denoted, including the 3 sheets of drawings containing Figs. 1-4, 5A-5D and 6, were filed on September 3, 2008.

The drawing sheets already considered received in the Office on September 3, 2008, were reviewed along with figs. 3,4,5A-5D and 6 submitted on petition. These papers together constitute the items described on the receipt as ""3 sheets of drawings (Figs. 1-4,5A-5D, 6)." It is concluded that applicant has shown that figs. 3-6 described in the specification were 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. 02-0200.

The application is being forwarded to the Office of Patent Application Processing for further processing **with a filing date of September 3, 2008** using the application papers received in the Office and presently accorded that date; and the drawing sheet containing Fig. 3, 4, 5A-5D and 6 re-supplied on petition filed September 30, 2008; and indication in Office records that 3 sheets of drawings were present in the application on filing.

Applicant 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

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.
12/230,675	09/03/2008	Ryuichi Kamaga	138291	3382

25944 7590 01/22/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
FUREMAN, JARED

ART UNIT	PAPER NUMBER
2836	

NOTIFICATION DATE	DELIVERY MODE
01/22/2010	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	**: DECISION ON REQUEST TO**
Ryuichi KAMAGA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/230,675	**: PROSECUTION HIGHWAY**
Filed: 03 September 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 138291	**: TO MAKE SPECIAL UNDER**
For: ELECTRIC-POWERED VEHICLE CHARGEABLE BY EXTERNAL POWER SUPPLY	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 04 December 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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
DIW Feb-10

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

MAILED

FEB 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Hanashima et al.	:	
Application Number: 12/230734	:	ON PETITION
Filing Date: 09/04/2008	:	
Attorney Docket Number: 6164-000216/US	:	

This is a decision in response to the paper entitled "LETTER TO CORRECT PRIVATE PAIR ELECTRONIC FILE WRAPPER," filed on January 22, 2009, which is being treated as a petition under 37 CFR 1.182 to correct the file of the above-identified application.

The petition is **GRANTED to the extent indicated**.

Applicants assert that the application was filed with 33 pages of specification (written description), including five (5) pages containing claims and one (1) page containing the abstract, but that the Office did not use the correct application papers in processing the application. Specifically, petitioner asserts that the Office incorrectly used a copy of a related application as the original disclosure. In support, petitioner has supplied a copy of a postcard itemizing the filing of, *inter alia*, 39 pages of specification, and four (4) sheets of drawings showing an Office date of September 4, 2008, and the above-identified application number. Applicant further requests that the 26 pages of specification, including three (3) pages containing 13 claims and one (1) page containing the abstract, and seven (7) sheets of drawings filed be expunged from the application file and replaced with the 39 pages of specification, including five (5) pages containing 12 claims, and four (4) sheets of drawings asserted to have been filed on September 4, 2008.

The IFW image filing wrapper is the official record of the papers filed in the application. Upon review, the 39 pages of specification, entitled "SHEET CONVEYING DEVICE AND IMAGE FORMING

APPARATUS," including five (5) pages containing 12 claims and one (1) page containing the abstract, and four (4) sheets of drawings have been located among the papers received in the official file on September 4, 2008. Additionally, however, 27 pages of specification, entitled "IMAGE FORMING APPARATUS," including three (3) pages containing 13 claims and one (1) page containing the abstract, and three (3) sheets of drawings, were also filed on September 4, 2008.

As such, the showing of record is that two (2) different specifications and sets of drawings were filed on September 4, 2008: the 39 page specification and four (4) sheets of drawings which petitioner intended to be the original disclosure of this application as well as a 27 page specification and three (3) sheets of drawings. Petitioners, however, did not adequately identify which specification and drawings were intended to be the disclosure for this application. Accordingly, the USPTO did not err in using the 27 page specification and three (3) sheets of drawings as the original disclosure.

Nevertheless, on petition under 37 CFR 1.182, the application may be reprocessed using the 39 pages specification, including five (5) pages containing 12 claims, and four (4) sheets of drawings as the original disclosure. Petitioner's deposit account will be charged the $400.00 fee for a petition under 37 CFR 1.182 as authorized in the subject petition.

Petitioner's request to expunge the 26 page specification, including 13 claims, and seven (7) sheets of drawings is not well taken. At the outset, the showing of record is that the 26 pages of specification and the drawings were received with the original application papers. Since the 26 page specification and the three (3) sheets of drawings containing Figures 1-5 will not be used for processing or examination, there does not appear to be any need or basis for expunging these papers. Furthermore, any request to expunge information from the application must be by way of petition under 37 CFR 1.59, accompanied by the petition fee, and establish that expungement of the information is appropriate.

A petition under 37 CFR 1.183 to waive 37 CFR 1.59, accompanied by the petition fee of $400.00, would need to be filed expunge a portion of the original disclosure.

The application will be referred to the Office of Patent Application Processing for reprocessing with the 39 pages of specification as the written description, claims, and abstract

present on filing, and the four sheets of drawings containing Figures 1-8 as the original disclosure. The 26 pages of specification and three (3) sheets of drawings containing Figures 1-5 will not be used for processing or examination, but will be retained in the application file.

As the petition was necessitated by an error on the part of the applicant, the petition fee of $400.00 will be charged to counsel's deposit account.

The application is referred to the Office of Patent Application Processing for further processing with a filing date of September 4, 2008, using the 39 pages of specification, including five (5) pages containing 12 claims, one (1) page containing the abstract, and four (4) sheets containing drawing Figures 1-8 as the original disclosure.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Harness, Dickey & Pierce P.L.C.
P.O. Box 8910
Reston VA 20195

MAILED
APR 16 2010
OFFICE OF PETITIONS

Applicant: Hanashima et al.
Appl. No.: 12/230,734
Filing Date: September 4, 2008
Title: SHEET CONVEYING DEVICE AND IMAGE FORMING APPARATUS
Pub. No.: US 2009/00056484 A1
Pub. Date: March 5, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on June 5, 2009, for the above-identified application.

Applicant request republication because the wrong title, abstract, specification, claims and drawings were published.

The request is dismissed.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable**." 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 June 5, 2009, was not timely filed under 37 CFR 1.221(b).

Due to the nature of the errors in this publication, the office will *sua sponte* publish a corrected patent application publication. The corrected patent application publication will be published in due course, unless the application is allowed and the patent issues before the application is republished.

[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).

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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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

COPY MAILED

MAY 11 2009

OFFICE OF PETITIONS

In re Application of :
Miyame, Egawa, and Umbrasas :
Application No. 12/230,738 : DECISION REFUSING STATUS
Filed: September 4, 2008 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 138402 :

For: **LASER LIGHT SOURCE DEVICE AND MANUFACTURING METHOD FOR MANUFACTURING LASER LIGHT SOURCE DEVICE**

This is a decision on the petition under 37 CFR 1.47(a), filed February 25, 2009.

The petition under 37 CFR 1.47(a) is **dismissed.**

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on September 4, 2008, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on September 25, 2008, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The petition under 37 CFR 1.47(a) was filed on February 25, 2009, with a request for an extension of time within the third month.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (1) set forth above.

As to item (1), petitioner did not provide sufficient proof that inventor Umbrasas cannot be located. Although petitioner states that correspondence was sent to the last known address for inventor Chalmers, this alone, does not satisfy the diligence requirement of 37 CFR 1.47(a). Section 409.03(d) of the *Manual of Patent Examining Procedure* provides guidance as to what will suffice as sufficient proof that the non-signing inventor cannot be reached as is alleged in the instant petition. This section states, in pertinent part, as follows:

> [w]here inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as Internet searches, certified mail, return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts.

Petitioner has demonstrated that a copy of the application papers was sent to inventor Umbrasas at an address that is defunct. In order to satisfy the diligence requirement, petitioner must provide some evidence of other efforts to locate inventor Umbrasas according to the guidance provided by MPEP 409.03(d) cited above.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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AUG 13 2009

OFFICE OF PETITIONS

In re Application of :
Miyame, Egawa, and Umbrasas :
Application No. 12/230,738 : DECISION ACCORDINGSTATUS
Filed: September 4, 2008 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 138402 :

For: **LASER LIGHT SOURCE DEVICE AND MANUFACTURING METHOD FOR MANUFACTURING LASER LIGHT SOURCE DEVICE**

This is a decision on the renewed petition under 37 CFR 1.47(a), filed July 7, 2009.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-identified application was filed on September 4, 2008, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on September 25, 2008, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The petition under 37 CFR 1.47(a) was filed on February 25, 2009, with a request for an extension of time within the third month.

Petitioner has shown that inventor Umbrasas cannot be located to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be directed to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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UNITED STATES 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.
12/230,749	09/04/2008	Tomoki Kubota	137352	4053

EXAMINER

7590 09/08/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
09/08/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/08/2009 NFARMER 0003168729

CHECK Refund Total: $510.00

Adjustment date: 09/08/2009 NFARMER
09/05/2008 LTRUONG 00000024 12230749
02 FC:1111 -510.00 OP

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Paper No.

HARNESS, DICKEY & PIERCE, P.L.C.
P.O.BOX 8910
RESTON VA 20195

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APR 14 2009

OFFICE OF PETITIONS

In re Application of
Arne Hengerer
Application No. 12/230,770
Filed: September 4, 2008
Attorney Docket No.: 32860-001500/US
Title: PHARMACEUTICAL COMPOSITION CONTAINING AN IRON-BINDING AGENT

DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.182

This is a decision on the petition filed February 25, 2009, requesting that the above-identified application, including page 15 of the specification, be accorded a filing date of September 4, 2008 as part of the original disclosure.

The application was deposited on September 4, 2008. However, on December 4, 2008, the Office of Data Management mailed a "Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" (first notice), stating that the application had been accorded a filing date. The notice set a two-month period for reply.

A response was received on January 21, 2009, and on February 20, 2009, a "Notice of Incomplete Reply" (second notice) was mailed, indicating that the application had been accorded a filing date, and advising applicants that page 15 of the specification appeared to have been omitted. The notice set a two-month period for reply.

In response, on February 25, 2009, applicants filed the present petition. The petition is further accompanied by a copy of page

15 of the specification, along with a copy of Applicants' postcard receipt acknowledging receipt of "Specification (27 pages)" in the United States Patent and Trademark Office (Office) on September 4, 2008. Petitioner requests that page 15 of the specification be accorded a filing date of September 4, 2008. It is noted that 20 pages of specification (including pages 1-14 and 16-21) have been located in the electronic file, along with 5 pages of claims and a single-page abstract, totaling 26 pages.

Upon review of the record, the above-mentioned page has not been located among the application papers. However, the evidence is convincing that the application papers deposited on September 4, 2008 included page 15 of the specification, and this sheet was subsequently misplaced in the Office.

Therefore, the application, including page 15 of the specification, was complete on filing and entitled to a filing date of September 4, 2008 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The second notice mailed February 20, 2009 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the $400.00 petition fee will be refunded to Petitioner via the preparation of a Treasury Check in due course.

The application file is being returned to the Office of Data Management for further processing with a filing date of September 4, 2008, using the original application papers filed on that date, as well as page 15 of the specification submitted on February 25, 2009, and for noting in Office records that this sheet was present on filing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR, SUITE 200
FALLS CHURCH VA 22042-2924

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APR 0 6 2009

OFFICE OF PETITIONS

In re Application of	:
B. Robert Mozayeni et al.	:
Application No. 12/230,800	: DECISION REFUSING STATUS
Filed: September 4, 2008	: UNDER 37 CFR 1.47(a)
Attorney Docket No. **05162.0008.CNUS03**	:

This decision is in response to the petition filed March 23, 2009 under 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION**. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on September 4, 2008 without a signed declaration. Accordingly, on September 22, 2008, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, on March 19, 2009, an oath or declaration executed by all joint inventors except B. Robert Mozayeni, M.D., Kevin Crutchfield, M.D., William Hogenauer, and Larry Goldstein, the instant petition under 37 CFR 1.47(a) and a four month extension of time was filed. The petition argues that the non-signing inventors, have each refused to sign the Declaration and Power of Attorney document despite bonafide attempts to obtain their signatures.

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;

(4) a statement of the last known address of the non-signing inventor;

This petition lacks compliance with item (1).

In regards to item (1), petitioners have not submitted sufficient evidence to prove that a copy of the application was sent or given to the non-signing inventors only that the Declaration and Assignment were sent to each of the non-signing inventors.

While petitioners have indicated that the declaration and assignment were either e-mailed or mailed to the last known addresses for joint inventors B. Robert Mozayeni, M.D., Kevin Crutchfield, M.D., William Hogenauer, and Larry Goldstein, 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. If there is a written refusal, a copy of the written refusal should be submitted 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 facts.

Status under 37 CFR 1.47(a) cannot be accorded this application until such time as the deficiencies have been cured.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] MPEP 409.03(d).

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FALLS CHURCH VA 22042-2924

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NOV 09 2009

OFFICE OF PETITIONS

In re Application of :
B. Robert Mozayeni et al. :
Application No. 12/230,800 : DECISION REFUSING STATUS
Filed: September 4, 2008 : UNDER 37 CFR 1.47(a)
Attorney Docket No. **05162.0008.CNUS03** :

This decision is in response to the request for reconsideration filed October 5, 2009 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on September 4, 2008 without a signed declaration. Accordingly, on September 22, 2008, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, on March 19, 2009, an oath or declaration executed by all joint inventors except B. Robert Mozayeni, M.D., Kevin Crutchfield, M.D., William Hogenauer, and Larry Goldstein, the instant petition under 37 CFR 1.47(a) and a four month extension of time was filed. The petition argued that the non-signing inventors, each refused to sign the Declaration and Power of Attorney document despite bonafide attempts to obtain their signatures. The petition was dismissed in a decision mailed April 6, 2009 because the proof presented did not support a claim that a copy of the complete application had been sent to the non-signing inventors. The decision set a two month period for reply.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor.

In response to the decision dismissing the petition filed March 23, 2009, the instant petition, filed with a declaration signed by joint inventors Kevin Crutchfield, M.D., William Hogenauer, and Larry Goldstein and a four month extension of time, shows that a copy of the complete application was sent to joint inventor B. Robert Mozayeni, M.D.,

but that he has not returned an executed copy of the oath or declaration and thus refuses to cooperate with the filing of the instant application.

All requirements under 37 CFR 1.47(a) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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B. ROBERT MOZAYENI, M.D.
11412 LUXMANOR ROAD
ROCKVILLE, MD 20852

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NOV 09 2009

OFFICE OF PETITIONS

In re Application of
B. Robert Mozayeni et al.
Application No. 12/230,800
Filed: September 4, 2008
For: **TELEMEDICINE PLATFORM FOR STANDARDIZED INTERPRETATION OF VASCULAR DATA USING VASCULAR ANALYSIS**

Dear Mr. Mozayeni:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint inventors.

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 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 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

HOWREY LLP - East
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR, SUITE 200
FALLS CHURCH VA 22042-2924

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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.
12/230,804	09/04/2008	Young-Hwa Song	P58770	4078

7590 06/21/2010
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
DIAZ, JOSE

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
06/21/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 06/10/2010 NFAKNER
11/26/2008 IADD01 00000046 12230804
02 FC:1111 -340.00 OP
05 FC:1201 -220.00 OP

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/230,844	09/05/2008	Noriaki Yoshii	138371	4502

7590 11/09/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
HSIAO, JAMES K

ART UNIT	PAPER NUMBER
3657	

MAIL DATE	DELIVERY MODE
11/09/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 11/09/2009 NFARMER
09/08/2008 MAHMED1 00000043 12230844
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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MAY 20 2009

OFFICE OF PETITIONS

LEE & MORSE, P.C.
3141 Fairview Park Drive
Suite 500
Falls Church, VA 22042

In re Application of	:	
Wan-jun Park, et al.	:	
Application No. 12/230,855	:	DECISION ON PETITION
Filed: September 5, 2008	:	TO WITHDRAW
Attorney Docket No. 249/534 DIV	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 13, 2009.

The request is **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 Susan S. Morse on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Wan-jun Park**
19/408 Chengsil Apt.
Daechi-dong, Gangnam-gu
Seoul
Republic of Korea

cc: **John A. Castellano, Esq.**
Harness, Dickey & Pierce
11730 Plaza America Drive
Suite 600
Reston, VA 20190

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/230,855	09/05/2008	Wan-jun Park	249/534 DIV

CONFIRMATION NO. 4546

POWER OF ATTORNEY NOTICE

27849
LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

OC000000036060114

Date Mailed: 05/19/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/13/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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JUL 13 2010

Drinker Biddle & Reah (DC)
1500 K. Street, N.W.
Suite 1100
Washington, DC 20005-1209

In re application of Nishi et al. Application No. 12/230,858 Filed: September 05, 2008 For: CONTROLLER OF WORK PIECE-CONVEYING ROBOT	**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 May 17, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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).

The request to participate in the PPH pilot 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

BM/BM: 07/12/10

10 FEB 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF MICHAEL A. SANZO, LLC
15400 CALHOUN DR.
SUITE 125
ROCKVILLE, MD 20855

In re Application of	:	
AIKAWA	:	
Serial No.: 12/230,867	:	
PCT No.: PCT/US07/05267	:	DECISION ON PETITION
Int. Filing Date: 02 March 2007	:	
Priority Date: 07 March 2006	:	UNDER 37 CFR 1.181
Atty Docket No.: 7570/09230US	:	
For: NOTCH INHIBITION IN THE TREATMENT OR	:	
PREVENTION OF ATHEROSCLEROSIS	:	

This is a decision on applicant's "Petition Under 37 CFR §1.181 to Correct PTO Records" filed on 28 October 2008 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 02 March 2007, applicant filed international application PCT/US07/05267, which claimed priority of an earlier application filed 07 March 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 07 September 2008.

On 05 September 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of international application PCT/US07/05267 as filed; an Application Data Sheet and a preliminary amendment.

On 22 September 2008, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b)" indicating that the application had been processed as a filing under 35 U.S.C. 111.

On 28 October 2008, applicant filed the present petition under 37 CFR 1.181 submitting that the application was filed as a U.S. National stage application of international application PCT/US07/05267 under 35 U.S.C. 371.

DISCUSSION

A review of the papers filed 05 September 2008 shows that the transmittal letter identified the application as a "Request for Entry into US National Stage for: Intl. Appl. No. PCT/US2007/005267." In addition, the accompanying Application Data Sheet similarly identified the application as a "US National Stage of PCT/US2007/005267." The specification has not been amended in any way to indicate that a continuation of PCT/US2007/005267 was sought nor do the application papers contain any conflicting information which would result in the application being processed under 35 U.S.C. 111(a). As such, it is proper to grant applicant's petition and have this application processed as the U.S. National stage entry of PCT/US2007/005267.

CONCLUSION

Applicant's Petition Under 37 CFR 1.181 is **GRANTED**.

The "Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b)" mailed 22 September 2008 is hereby **VACATED**.

This application is being returned to the DO/EO/US for processing in accordance with this decision, namely setting up the application as the U.S. National stage entry of PCT/US2007/005267.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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JUL 2 0 2009
OFFICE OF PETITIONS

In re Application of :
Hisamitsu Takagi et al. :
Application No. 12/230,870 : ON PETITION
Filed: September 5, 2008 :
Attorney Docket No. 1381.1064 :

This is in response to the "PETITION UNDER 37 CFR 1.57(a)" filed December 5, 2008, requesting that the inadvertently omitted drawing be accepted.

Application papers in the above-identified application were deposited on September 5, 2008. However, on October 6, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Omitted Item(s) in a Nonprovisional Application," notifying applicants that the application was missing figure 30 as described in the specification. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawing on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

37 CFR 1.57(a) provides that:

> 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 benefit of a prior-filed provisional, non-provisional, 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-fled application as to the inadvertently omitted portion of the specification or drawing(s).

Petitioner relies on 37 CFR 1.57(a) to incorporate by reference the inadvertently omitted drawing to the instant application from prior filed Japanese Priority Application No. 2007-231739 for which a benefit claim under § 1.55 was made.

To the extent the instant petition requests entry of the inadvertently omitted drawing figure 30, the petition is **GRANTED**.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for further processing with a total of 30 drawing figures.

Telephone inquiries concerning this matter may be directed to Carl Friedman at (571) 272-6842.

Anthony Knight for
David Bucci
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OCT 27 2009

OFFICE OF PETITIONS

KENDAL M. SHEETS
1855 MACARTHUR DRIVE
MCLEAN VA 22101

In re Application of	:	
Terry A. Berger, et al.	:	
Application No. 12/230,875	:	DECISION ON PETITION
Filed: September 5, 2008	:	
Attorney Docket No. AURSFC-001US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 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) was obtained. Accordingly, the application became abandoned on February 10, 2009. The Notice of Abandonment was mailed August 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $51 additional claim fee(s), (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW, GARRETT
& DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

MAILED

MAR 25 2010

OFFICE OF PETITIONS

Applicant: Isabelle Rollat-Corvol, et al.
Appl. No.: 12/230,877
Filing Date: September 5, 2008
Title: COSMETIC COMPOSITION COMPRISING A CATIONIC POLYURETHANE AND A SILICONE, TO BE APPLIED DURING HAIR DRESSING
Attorney Docket No.: 09763.0027-01000
Pub. No.: US 2009/0130028 A1
Pub. Date: May 21, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 21, 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 the applicant's residence is incorrect and page 1 of the specification wherein the benefit claim cross-referenced was not printed correctly and an error on page 6 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 with respect to the preliminary amendment is not and Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The failure to include an

[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).

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. [2]

As for the error in the Inventors residence this is not a material error under 37 CFR 1.221. The Oath filed with the application on January 23, 2009 is not very legible, the residence for the third inventor appears to be "Plessie" not "Plessis".

On February 6, 2009 a Filing Receipt was mailed by the Office, which improperly listed the residence. 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.

As for the error to page 6, paragraph [0128], line 6 of the specification, it is printed as it appears in the specification filed with the application. After the word "weight" there is not period, the printer probably assume this is not the end of the paragraph and insert "Gelling" as the next word.

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:

---

[2] 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) and MPEP 1121.

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

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

JUN 12 2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

In re application of Atsushi Tabata et al. Application No. 12/230,923 Filed: September 8, 2008 For: VEHICULAR DRIVE CONTROL APPARATUS AND METHOD FOR CONTROLLING A VEHICULAR DRIVE 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 June 10, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the Office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

In light of the preliminary amendment filed June 10, 2009, the IDS filed March 24, 2009 and the IDS filed March 2, 2009, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 06/12/2009

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/10/2010

TO SPE OF : ART UNIT 2835 (2800)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/230,941 Patent No.: 7,663,874

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

Ernest C. White, LTE
Randolph Sq. Ste 9D62A
703-756-1590

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

xApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

_____

_____

/Hung V. Duong/

SPE _____ **ART UNIT** _____

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/230,944	09/08/2008	Sang-Hoon Yim	P58700	4661

7590 11/05/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
PATEL, NIMESHKUMAR D

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 11/06/2009 NFARMER [illegible]
EXM:024943 Name/Number:12230944
FC: 9234 $1010.00 CR

Adjustment date: 11/06/2009 NFARMER
09/09/2008 LTRUONG 00000011 12230944
02 FC:1111 -510.00 OP
04 FC:1202 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/230,985	09/09/2008	Chul-Hong Kim	301/110	5628

7590 11/04/2009

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tomi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref: 11/03/2009 00000076442

Credit Card Refund Total: $510.00

Acct Exp..: XXXXXXXXXXX1003

Adjustment date: 11/05/2009 NFARMER
09/10/2008 RAHREDI 00000042 12230985
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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LAW OFFICES OF ANDREW SCHROEDER
P.O. BOX 6731
SANTA MARIA CA 93454

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DEC 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Klett, John	:	DECISION ON PETITION
Application No. 12/231,016	:	TO WITHDRAW
Filed: August 27, 2008	:	FROM RECORD
Attorney Docket No. 1SQJK051	:	

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 8, 2009.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the previous power of attorney was revoked by the applicant of the patent application on October 21, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: SANDRA LEE LIPKIN A LAW CORPORATION
P.O.BOX 3518
VENTURA CA 93006

Doc Code: PET.AUTO
Doc Description: Petition Automatically granted by EFS

IFW

OIPE
OCT 24 2008
PATENT & TRADEMARK OFFICE

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/231,046	Confirmation Number	2195	Filing Date	08/29/2008
Attorney Docket Number (optional)	CHNZ0001	Art Unit	1795	Examiner	
First Named Inventor	ZUPEI CHEN				
Title of Invention	An Enhanced Concentrator PV Panel				

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
ZUPEI		CHEN	

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	Zupei Chen	Date (YYYY-MM-DD)	10/01/2008
Name	ZUPEI CHEN		

OIPE IAP57
OCT 24 2008
PATENT & TRADEMARK OFFICE

Appl. No.	:	12/231,046
Applicant	:	CHEN, Zupei
Filed	:	08/29/2008
Priority Date	:	04/08/2008
TC/A.U.	:	1795
Confirmation No.		2195
Docket No.	:	CHNZ0001

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(C)(1)

Certification of Copy of Passport and Permanent Resident Card

Dear Sir:

I, the attorney of record, hereby certify that the copies of the Applicant's Passport and his U.S. Permanent Resident Card attached to Form PTO/SB/130 are true and correct copies to the best of my knowledge.

The passport and U.S. permanent resident card show the Applicant/inventor is over 65 years old.

Respectfully Submitted,

Dated: October 21, 2008

Leon E. Jew
Reg. 46, 804

Best Available Copy

护照
PASSPORT

类型 / Type
P

国家码 / Country Code
CHN

护照号 / Passport No.
G27727706

姓 / Surname
陈 / CHEN

名 / Given names
祖培 / ZUPEI

性别 / Sex
男 / M

出生地点 / Place of birth
江苏 / JIANGSU

出生日期 / Date of birth
27 APR 1941

签发地点 / Place of issue
上海 / SHANGHAI

签发日期 / Date of issue
20 FEB 2008

有效期至 / Date of expiry
19 FEB 2018

签发机关 / Authority
公安部出入境管理局
Exit & Entry Administration
Ministry of Public Security

21920860

POCHNCHEN<<ZUPEI<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<
G277277062CHN4104272M1802197192031OO<<<<<<60

PERMANENT RESIDENT CARD

NAME CHEN, ZUPEI

A# 070-459-439

Birthdate Category Sex
04/27/4[illegible] M

Country of Birth
China, People's Republic of

CARD EXPIRES 08/26/18

Resident Since 09/30/93

C1USA0704594390MSC0840186203<<
4104272M1803264CHN<<<<<<<<<<<<4
CHEN<<ZUPEI<<<<<<<<<<<<<<<<<<<<<<

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IRVING M. FISHMAN
89 HEADQUARTERS PLAZA
SUITE 1422, NORTH TOWER
MORRISTOWN, NJ 07960

MAILED

JUL 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Barbara Jennings-Spring	:	DECISION ON PETITION
Application No. 12/231,104	:	TO WITHDRAW
Filed: August 29, 2008	:	FROM RECORD
Attorney Docket No. 147.003	:	

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 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 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 Irving M. Fishman on behalf of all practitioners of record.

Irving M. Fishman and all attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: BARBARA JENNINGS-SPRING
10844 NORTH DOGWOOD TRAIL
JUPITER, FL 33478

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
12/231,104	08/29/2008	Barbara Jennlngs-Spring	147.003

CONFIRMATION NO. 2831

POWER OF ATTORNEY NOTICE

90034
Irving M. Fishman
89 Headquarters Plaza
Suite 1422, North Tower
Morristown, NJ 07960

OC000000042418140

Date Mailed: 07/02/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/17/2010.

- 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.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE LUTHER LAW FIRM, PLC
10575 N 114TH STREET
SUITE 103
SCOTTSDALE AZ 85259

MAILED

MAR 3 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Gerald J. Grott	:	
Application No. 12/231,128	:	DECISION ON PETITION
Filed: August 29, 2008	:	
Attorney Docket No. ECYC-07CIB	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 19, 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 non-final Office action mailed March 27, 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 June 28, 2009. A Notice of Abandonment was mailed on November 16, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR

1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3). It should also be noted that the incorrect petition form was used. Please refer to form number PTO/SB/54 located on our website www.uspto.gov under Patent Related Forms.

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 Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUL 20 2010

OFFICE OF PETITIONS

THE LUTHER LAW FIRM, PLC
10575 N 114TH STREET
SUITE 103
SCOTTSDALE AZ 85259

In re Application of	:	
Gerald J. Grott	:	
Application No. 12/231,128	:	DECISION ON PETITION
Filed: August 29, 2008	:	
Attorney Docket No. ECYC-07CIB	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 26, 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 March 27, 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 June 28, 2009. A Notice of Abandonment was mailed on November 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

The petition decision mailed March 31, 2010, dismissed the petition filed December 19, 2009 for failure to provide a proper statement of unintentional delay. The renewed petition includes a 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 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 December 19, 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

JOHNS MANVILLE
10100 WEST UTE AVENUE
PO BOX 625005
LITTLETON CO 80162-5005

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of
Aseere
Application No. 12/231,146
Filed: August 29, 2008
Attorney Docket No. 7870
For: TUFT GRIPPING STRENGTH TEST METHOD AND APPARATUS FOR CARPET PRIMARY BACKING MATS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 4, 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 18, 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 November 19, 2008. A Notice of Abandonment was mailed on June 1, 2009.

Applicant has submitted a proper reply to the September 18, 2008 Notice in the form of replacement drawings, an acceptable statement of the unintentional nature of the delay in responding to the September 18, 2008 Notice, and the $1,620.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries 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

6-28-2010

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Patent No. : PP20,970 P3
Inventor(s) : Efraim, Yosef et. al.
Issued : May 4, 2010
Application No: 12/231,192

Re. Request for Certificate of Correction

Consideration has been given your request under the provisions of Rule 1.323or 1.322.

The alleged error s on the title page, item [57] abstract, line 2, column 3, line 63 and column 6, line 1 is printed in accordance with the record.

In view of the foregoing, your request is hereby denied.

Further correspondence concerning this matter, should be directed to:

U.S. Patent and Trademark Office
Washington, DC 20231
Attn: Decisions & Certificates of Correction Branch

and accompanied by the amount of $100.00.

Eva James
For Mary Diggs
Decisions & Certificate
of Correction Branch
(703) 756 -1583 or 1580

Michelle Bos Legal LLC
P.O. Box 803
Zillah, WA 98953

ej

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE FL 33330

COPY MAILED
FEB 01 2010

In re Application of	:	
Joseph Francis Attonito	:	
Application No. 12/231,224	:	DECISION ON PETITION
Filed: August 28, 2008	:	TO WITHDRAW
Attorney Docket No. Attonito/Patent	:	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 10, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Gregory L. Mayback on behalf of attorney/agents associated with customer number 27316. All attorneys/agents associated with customer number 27316 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: Joseph Francis Attonito
19451 N.W. 5th Street
Pembroke Pines, FL 33029

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/231,224	08/29/2008	Joseph Francis Attonito	Attonito/Patent

CONFIRMATION NO. 2869

POWER OF ATTORNEY NOTICE

27316
MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE, FL 33330

OC000000039966928

Date Mailed: 02/01/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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

ALVIN S. BLUM
2350 DEL MAR PLACE
FORT LAUDERDALE, FL 33301

COPY MAILED
SEP 15 2008

In re Application of	:	
BLUM, Alvin S.	:	
Application No. 12/231,282	:	DECISION ON PETITION TO MAKE
Filed: September 2, 2008	:	SPECIAL UNDER 37 CFR 1.102(C)(1)
Attorney Docket No. **B80819**	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 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 the statement of inventor Alvin S. Blum, 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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P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Dec-09

LEN LOSIK
12 GLEN FALLS CIRCLE
SALINAS CA 93906

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OFFICE OF PETITIONS

In re Application of	:	
Len G. Losik	:	
Application Number: 12/231283	:	DECISION DISMISSING PETITION
Filing Date: 09/02/2008	:	
For: METHOD OF PREDICTING	:	
FAILURES IN COMPONENTS	:	

This is a decision in response to the petition to withdraw the holding of abandonment filed on October 16, 2009.

The petition is **DISMISSED**.

The application became abandoned on November 30, 2008, for failure to file a timely reply to the Notice to File Corrected Application Papers mailed on September 29, 2008, which set a two (2)-month shortened period for reply. On December 12, 2008, a reply was filed. On December 29, 2008, a Notice of Incomplete Reply was mailed, stating the period for reply remained as set forth in the Notice mailed on September 29, 2008. A proposed reply was filed on February 26, 2009. Notice of Abandonment was mailed on September 24, 2009.

Petitioner asserts that the holding of abandonment should be withdrawn because (1) applicant filed a timely response to the Notice to File Corrected Application Papers mailed on September 29, 2008, and (2) "Applicant proceeded on the assumption that his request for an extension of time to respond to the First Notice (The Notice to File Corrected Application Papers mailed on September 29, 2008) had been approved and that said response had been timely filed."

A review of the record reveals the following:

1. On September 29, 2008, a Notice to File Corrected Application Papers was mailed, setting a two (2) month extendable period for reply. The Notice required a substitute specification and replacement drawings.

2. On December 12, 2008, a substitute specification was filed, along with a check for $60.00.

3. On December 29, 2008, a Notice of Incomplete Reply was mailed, stating that the reply to the Notice mailed on September 29, 2008 did not include a substitute specification in compliance with 37 CFR 1.52, 1.121(b), and 1.125. Specifically, the application papers were not in compliance with 37 CFR 1.52 because claims pages 11 and 12 contain text that is unreadable or of insufficient clarity. Applicant was informed that the time period set in the Notice mailed on September 29, 2008, remained in effect.

4. On February 26, 2008, a proposed reply to the Notice mailed on December 29, 2008 was filed. No extension of time was filed.

5. On September 24, 2009, Notice of Abandonment was mailed.

Petitioner asserts that the fee was paid in the amount due as of September 29, 2008, but that the extension of time fee amount subsequently increased from $60.00 to $65.00. Petitioner asserts that the reply filed on December 12, 2008, should therefore be considered timely filed.

Petitioner is correct that if the fee paid by the applicant is insufficient, either because the notice specified an incorrect dollar amount for the fee or because of a fee increase effective after the mailing of the notice and before payment of the fee by the applicant, the applicant should be notified in writing by the Office of the fee insufficiency and given a new time period in which to submit the remaining balance.[1]

Nevertheless, the application was properly held abandoned because a proper and timely reply to the Notice mailed on December 29, 2008 was not filed. In this regard, assuming, *arguendo*, the reply of December 12, 2008, had included the proper extension of time fee, the Notice mailed on December 29, 2008, stated that the reply filed on December 12, 2008, did not comply with 37 CFR 1.52, and that a new substitute specification was required. No new time period was set for filing the corrected reply. Accordingly, the reply filed on February 26, 2009, was required to be accompanied by a three (3)-month extension of time and fee ($555.00 at that time for a small entity) in order to be considered a timely reply. A review of the papers filed on

[1] MPEP 509.

February 26, 2009 reveals that no extension of time was included therewith.

Furthermore, the fee insufficiency in connection with the reply filed on December 12, 2008, has not been paid to date. In this regard, while petitioner states herein that a $5.00 check is enclosed, a review of the papers filed with the petition reveals that no check for $5.00 was received. Accordingly, the application was properly held abandoned on November 30, 2008, for failure to timely and properly response to the Notice to File Corrected Application Papers mailed on September 29, 2008.

Petitioner's assertion that he believed that a timely response had been filed is not well taken. With regard to petitioner's assertion that "there was a continuing dialogue with the USPTO," 37 CFR 1.2 states that 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.

Further, while the Office attempts to timely notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to timely notify applicants of deficiencies in their responses in a manner permitting a timely correction. See In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994).[2] In this regard, the Office informed applicant by the mailing of the Notice mailed on December 29, 2008, that the previously filed reply was incomplete, but applicant failed to timely and properly reply thereto.

37 CFR 1.135(b) states, in pertinent part:

> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require.

As no timely and proper response to the Notices mailed on September 29, 2008 and December 29, 2008, was filed, the

---

[2] See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994)(while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

application is properly held abandoned. The petition is therefore **dismissed**.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b), which now provides 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 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(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's convenience.

A reply should be submitted within two (2) months of the mailing date of this decision. **This time period is not extendable.** See 37 CFR 1.181(f).

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

A reply may also be filed using the EFS-Web system of the USPTO.

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: PTO/SB/64

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Mar-10

LEN LOSIK
12 GLEN FALLS CIRCLE
SALINAS CA 93906

MAILED

MAR 26 2010

OFFICE OF PETITIONS

In re Application of :
Len G. Losik :
Application Number: 12/231283 : DECISION ON PETITION
Filing Date: 09/02/2008 :
For: METHOD OF PREDICTING :
FAILURES IN COMPONENTS

This is a decision on the petition filed on January 21, 2010, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on November 30, 2008, for failure to file a timely reply to the Notice to File Corrected Application Papers mailed on September 29, 2008, which set a two (2)-month shortened period for reply. On December 12, 2008, a reply was filed. On December 29, 2008, a Notice of Incomplete Reply was mailed, stating that the period for reply remained as set forth in the Notice mailed on September 29, 2008. A proposed

---

[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 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 continuing 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)).

reply was filed on February 26, 2009. Notice of Abandonment was mailed on September 24, 2009. On October 16, 2009, a petition to withdraw the holding of abandonment was filed. On December 31, 2009, the petition was dismissed.

On January 21, 2009, the subject petition under 37 CFR 1.137(b) was filed, accompanied by a reply to the Notice to File Corrected Application Papers.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 2 7 2009

OFFICE OF PETITIONS

LAW OFFICE OF DAVID MCEWING
P.O. BOX 231324
HOUSTON TX 77023

In re Application of :
Saenz, et al. :
Application No. 12/231,427 : ON PETITION
Received: September 4, 2008 :
For: VIDEO FRAME RECORDER :

This decision is in response to petition filed January 5, 2009 to accord the above-identified application a filing date of September 4, 2008. This matter is being treated under 37 CFR 1.53(e)(2) as a petition to accord the application a filing date of September 4, 2008.

The application was received September 4, 2008. The Notice of Incomplete Nonprovisional Application (Notice) mailed November 5, 2008 by the Office of Initial Patent Examination (OIPE) indicated, *inter alia*, that the application had not been accorded a filing date because the specification does not include at least one claim.

The Notice advised that the claims and a newly executed oath or declaration covering the claims must be submitted within two months of the date of the Notice, unless otherwise indicated therein, or proceedings on the application would be terminated (37 CFR 1.53(e)).

The Notice further advised that the filing date of the application would be the date of receipt of the claims, unless otherwise indicated therein. The Notice indicated that any assertions that the required claims were submitted or were not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the $400.00 petition fee (37 CFR 1.17(f)).

The Notice also advised 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 wanted to rely on 37 CFR 1.57(a) to add inadvertently omitted material to the application, applicants must file a petition under 37 CFR 1.57(a) accompanied by the $400.00 petition fee (37 CFR 1.17(f)) within TWO MONTHS of the date of this Notice.

Petitioners herein argue that the application was deposited September 4, 2008 by applicants without the benefit of counsel.

Petitioners assert:

> "It is the Applicants' position in submitting this petition that the application substantially complied with the applicable rules governing filing of a nonprovisional application. The

> application pertains to statutory subject matter under 35 USC 101. The application meets the enablement and best mode requirements of 35 USC 112 (1st paragraph). Further, the multi-page description of the invention (Attachment B) contain affirmative sentences defining the invention and thereby constitute claims in substantial compliance with 37 CFR 1.75. For example: "By talking to the frame you can record a background under the sound it already has or record over the sound that the video or picture already has". Another example: "The frame will also take a small picture, like from a phone and view it onto a big screen TV.""

The arguments and evidence submitted by petitioners have been considered, but are not persuasive. While petitioners argue that the application "substantially complied with the applicable rules governing the filing of a nonprovisional application," the application as filed failed to meet the requirements for accordance of a filing date because the specification as filed did not conclude with one or more claims particularly pointing out and disclaiming claiming the subject matter which the applicants regard as their invention.

35 USC 112 states:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.
>
> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
>
> A claim may be written in independent or, if the nature of the case admits, in dependent or multiple dependent form.
>
> Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.
>
> A claim in multiple dependent form shall contain a reference, in the alternative only, to more than one claim previously set forth and then specify a further limitation of the subject matter claimed. A multiple dependent claim shall not serve as a basis for any other multiple dependent claim. A multiple dependent claim shall be construed to incorporate by reference all the limitations of the particular claim in relation to which it is being considered.
>
> An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

37 CFR 1.53(b) states:

> The filing date of an application for patent filed under this section, except for a provisional application under paragraph (c) of this section or a continued prosecution application under paragraph (d) of this section, is the date on which a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No new matter may be introduced into an application after its filing date. A continuing application, which may be a continuation, divisional, or continuation-in-part application, may be filed under the conditions specified in 35 U.S.C. 120, 121 or 365(c) and § 1.78(a).
>
> > (1) A continuation or divisional application that names as inventors the same or fewer than all of the inventors named in the prior application may be filed under this paragraph or paragraph (d) of this section.
> >
> > (2) A continuation-in-part application (which may disclose and claim subject matter not disclosed in the prior application) or a continuation or divisional application naming an inventor not named in the prior application must be filed under this paragraph.

37 CFR 1.75(a) states:

> The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

The application as submitted was not entitled to a filing date as it failed to comply with the laws and rules set forth above. Applicants lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not deemed sufficient grounds for according the application the requested filing date.

Accordingly, petitioners have failed to establish that the application is entitled to a filing date September 4, 2008 because the application as deposited lack at least one claim.

In view thereof, the petition is hereby DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO MONTHS of the mail date set forth above. This period of time reply is not subject to extensions of time under 37 CFR 1.136. Any request for reconsideration should be titled "Request for Reconsideration under 37 CFR 1.53(e)(2)" Failure to timely reply will result in termination of proceedings.

Any request for reconsideration must indicate whether applicants desire the later filing date of January 5, 2009, the date that the claims and required declaration were filed. Otherwise

petitioner may request a refund of the filing fee(s) pursuant to 37 CFR 1.53(e)(3), less the $130.00 handling fee set forth in 37 CFR 1.21(n), from the Office of Finance.

The petition fee submitted herewith will not be refunded as the petition was not necessitated due to Office error.

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

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
12/231,427	09/04/2008	Hipolito Saenz	

CONFIRMATION NO. 3376

POA ACCEPTANCE LETTER

26328
LAW OFFICE OF DAVID MCEWING
P.O. BOX 231324
HOUSTON, TX 77023

OC000000035208588

Date Mailed: 03/27/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/05/2009.

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.

/ambrown/

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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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/231,427	09/04/2008	Hipolito Saenz	

CONFIRMATION NO. 3376

POWER OF ATTORNEY NOTICE

Donald W. Meeker
Patent Agent
924 East Ocean Front #E
Newport Beach, CA 92661

OC000000035208587

Date Mailed: 03/27/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/05/2009.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/ambrown/

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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MARY J. GASKIN
ANNELIN & GASKIN
2170 BUCKTHORNE PL.
SUITE 220
THE WOODLANDS TX 77380

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OCT 0 6 2008

OFFICE OF PETITIONS

In re Application of	:	
Edwin Lyda	:	
Application No. 12/231,467	:	ON PETITION
Filed: September 3, 2008	:	
Attorney Docket No. LYDA-02	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 3, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a Declaration by applicant that he is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. 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 2623 for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/231,489	09/02/2008	Travis Mickle	085199-0176	3461

7590 05/06/2010
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
AUDET, MAURY A

ART UNIT	PAPER NUMBER
1654	

MAIL DATE	DELIVERY MODE
05/06/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Kaletris Buchanan

Patent Publication Branch
Office of Data Management

FORM PET650D (Rev. 08/07)

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HAVERSTOCK & OWENS LLP
ATTN: Jonathan O. Owens
162 North Wolfe Road
Sunnyvale CA 94086

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AUG 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Stone et al.	:	
Application No.: 12/231494	:	DECISION ON
Filing or 371(c) Date: 09/02/2008	:	PETITION
Attorney Docket Number: SONY-17301	:	

This is a decision in response to the petition to withdraw holding of abandonment or in the alternative revive abandoned application, filed July 3, 2009 The.petition to withdraw holding of abandonment is properly treated under 37 CFR 1.181(a) (no fee), based upon non-receipt of an Office action.

The Petition under 37 CFR 1.181 is hereby **dismissed**.

The Petition under 37 CFR 1.137(a) is hereby **held in abeyance**.

The Petition under 37 CFR 1.137(b) is hereby **held in abeyance**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers, mailed September 19, 2008. The Notice set a two (2) month period for reply from the mail date of the Notice. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on November 20, 2008. A Notice of Abandonment was mailed June 22, 2009.

The present petition to withdraw the holding of abandonment under 37 CFR 1.181

Petitioner files the present petition and asserts non-receipt of the Notice, and that a search of the file jacket reveals that there is no record of the Notice. In support of this assertion, Petitioner provides a description of its docketing system, and a copy of the docket for the present application.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

Analysis/conclusion

Regrettably, the petition is not grantable at this time. The Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication has been modified. The Office requires 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. In addition, 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 supplied).

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of the master docket for the firm for the date in question, and if no such master docket exists, Applicant must so state and provide other evidence as suggested above.

A Decision on the petitions under 37 CFR §§ 1.137(a) and (b) will be held in abeyance pending final resolution of the petition under 37 CFR 1.181(a).

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HAVERSTOCK & OWENS LLP
ATTN: Jonathan O. Owens
162 North Wolfe Road
Sunnyvale CA 94086

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OCT 08 2009

OFFICE OF PETITIONS

In re Application of	:	
Stone et al.	:	
Application No.: 12/231494	:	DECISION ON
Filing or 371(c) Date: 09/02/2008	:	PETITION
Attorney Docket Number: SONY-17301	:	

This is a decision in response to the request for reconsideration of petition, filed September 4, 2009. The. request for reconsideration of petition is properly treated under 37 CFR 1.181(a) (no fee), based upon non-receipt of an Office action.

The Petition under 37 CFR 1.181 is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers, mailed September 19, 2008. The Notice set a two (2) month period for reply from the mail date of the Notice. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on November 20, 2008. A Notice of Abandonment was mailed June 22, 2009.

The July 3, 2009 petition under 37 CFR 1.181

Petitioner filed a petition to withdraw the holding of abandonment based upon non-receipt of an Office action on July 3, 2009, wherein petitioner asserted non-receipt of the Notice, and that a search of the file jacket reveals that there is no record of the Notice. In support of this assertion, Petitioner provides a description of its docketing system, and a copy of the docket for the present application.

Decision dismissing the petition

A Decision dismissing the petition was mailed August 13, 2009. The Decision dismissing the petition required statements describing the system used for recording an Office action received at the correspondence address of record and/or copies of the master docket for the firm for the date in question, and if no such master docket exists, Applicant must so state and provide other evidence as suggested above.

The present renewed petition

Petitioner files the present renewed petition and statements describing the docketing system. As to the master docket, petitioner provides, in relevant part, that it is unable to provide the Office firm-wide master docket record including deadlines and comments for matters of clients that have no bearing on the present application.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence

> such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

Analysis/conclusion

Regrettably, the petition is again not grantable at this time. The Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication 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. (Emphasis supplied).

Petitioner implies that the Office firm-wide master docket record required must include deadlines and comments for matters of clients that have no bearing on the present application. Petitioner is advised that the showing provided must allow this Office to determine whether the Office action was received and incorrectly docketed, and that additional information not relevant to receipt and docketing of an Office communication is not required, and may be redacted.

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary copies of the master docket for the firm for the date in question, and if no such master docket exists, Applicant must so state and provide other evidence as suggested above.

A Decision on the petitions under 37 CFR §§ 1.137(a) and (b) will again be held in abeyance pending final resolution of the petition under 37 CFR 1.181(a).

After a decision on the petition for reconsideration of petition under 37 CFR 1.181, no further reconsideration or review of the matter will be undertaken by the Commissioner. Therefore, it is extremely important that petitioner supply **any** and **all** relevant information and documentation with his request for reconsideration. The Director's decision will be based solely on the administrative record in existence. A petition will not be granted if petitioner provides insufficient evidence to demonstrate nonreceipt of the Office action. Therefore, if a request for reconsideration is filed, it must establish nonreceipt of the Office action.

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

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P.O. Box 1450
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HAVERSTOCK & OWENS LLP
ATTN: Jonathan O. Owens
162 North Wolfe Road
Sunnyvale CA 94086

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NOV 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Stone et al.	:	
Application No.: 12/231494	:	DECISION ON
Filing or 371(c) Date: 09/02/2008	:	PETITION
Attorney Docket Number: SONY-17301	:	

This is a decision in response to the renewed petition under 37 CFR § 1.181(a), filed October 14, 2009.

This Petition is hereby **granted**.

The alternate petition under 37 CFR 1.137(b), filed July 3, 2009, is **dismissed as moot**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers, mailed September 19, 2008. The Notice set a two (2) month period for reply from the mail date of the Notice. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on November 20, 2008. A Notice of Abandonment was mailed June 22, 2009.

With the present renewed petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to the Office of Patent Application Processing for processing of the response to the Notice, filed on July 3, 2009, and for continued processing in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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DEC 23 2009

OFFICE OF PETITIONS

FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

In re Application of	:	
Dominic Kan Nam LEE	:	
Application No. 12/231,508	:	NOTICE
Filed: September 3, 2008	:	
Attorney Docket No. 0102704.0551188	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page

Thurman K. Page
Petitions Examiner
Office of Petitions

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2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

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MAR 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Dominic Kan Nam Lee	:	
Application No. 12/231,508	:	DECISION ON PETITION
Filed: September 3, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 0102704.0551188	:	

This is a decision on the petition, filed December 29, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on September 3, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of June 24, 2010 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center Art Unit 2833 for examination in due course.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/231,508	09/03/2008	Dominic Kan Nam Lee	0102704.0551188

CONFIRMATION NO. 4112

26874
FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

NONPUBLICATION RESCISSION LETTER

OC000000040698813

Date Mailed: 03/19/2010

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/24/2010.

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".

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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JOHN BURTON STEEN
824 CROSSFIRE COURT
MARIETTA, GA 30064

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
John Burton STEEN	:	
Application No. 12/231,539	:	DECISION ON PETITION
Filed: September 3, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. STEEN-01	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 3, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a 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 Initial Patent Examination 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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RICHARD A. RYAN
ATTORNEY AT LAW
8497 N. MILLBROOK AVENUE
SUITE 101
FRESNO CA 93720

MAILED

AUG 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Cherl Ann Ibison	:	
Application No. 12/231,542	:	DECISION ON PETITION
Filing Date: September 3, 2008	:	
Attorney Docket No. RAR804.01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed September 26, 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 November 27, 2008. The 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 basic filing fee of $155, the surcharge of $65, the search fee of $255 and the examination fee of $105; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

This application 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

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HOWARD EISENBERG, ESQ.
1220 LIMBERLOST LANE
GLADWYNE, PA 19035

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Gordon Jay Dow, et al.	:	
Application No. 12/231,586	:	DECISION ON PETITION
Filed: September 4, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 767.0099	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 3, 2008, to make the above-identified application special based on applicant's 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 Gordon Jay Dow. 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 1623 for action on the merits commensurate with this decision.

/AMW/
April; M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

Mail Date: 04/21/2010

Applicant	: Yasuharu Yamada	: DECISION ON REQUEST FOR
Patent Number	: 7593163	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/231,603	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/03/2008	: 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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OFFICE OF PETITIONS

In re Application of	:	
Verkuijlen, et al.	:	DECISION REFUSING STATUS
Application No. 12/231,617	:	UNDER 37 CFR 1.47(a)
Filed: September 4, 2008	:	
Attorney Docket No.	:	

This is in response to the petition under 37 CFR 1.47(a), filed March 18, 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 (2) set forth above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 still has not been presented. The declaration of March 18, 2009 does not set forth the inventors' full post office addresses. Only the first lines of the post office addresses are listed in the post office address fields. The complete post office addresses should be listed in the post office address fields. In addition, the inventors' residences should be listed as city and foreign country. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by Mr. Damstra on behalf of himself and Mr. Verkuijlen is REQUIRED. *See* 37 CFR 1.76 and MPEP 409.03(a).]

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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) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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In re Application of	:	
Verkuijlen, et al.	:	DECISION REFUSING STATUS
Application No. 12/231,617	:	UNDER 37 CFR 1.47(a)
Filed: September 4, 2008	:	
Attorney Docket No.	:	

This is in response to the correspondence, filed June 5, 2009, which is being treated as a constructive renewed petition under 37 CFR 1.47(a).

The constructive renewed petition is dismissed and the merits of the constructive renewed petition will not be addressed because the constructive renewed petition is not signed by a proper party.

Any renewed petition under 37 CFR 1.47(a) must be filed within two (2) months of the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

An illegible declaration was filed on June 5, 2009. It was not accompanied by a formal renewed petition under 37 CFR 1.47(a). It is unclear if the person who filed the June 5, 2009 correspondence has the right to file papers in this application.

37 CFR 1.33(b) states that any amendments and other papers filed in an application must be signed by (1) an appointed registered attorney or agent; (2) a registered attorney or agent not appointed, but acting in a representative capacity, (3) an assignee under 3.71(b); or (4) all of the named inventors.

The facsimile transmittal sheet is signed by Adele Izzo for Jeffrey Navon, who is a registered practitioner. Ms. Izzo has not provided an attorney registration number. Ms. Izzo has not shown that she is an authorized representative of an assignee who has right to take action.

In short, Ms. Izzo has not established that she is permitted to file amendments and other papers in this application.

In any reconsideration petition, applicant is encouraged to file a reconsideration petition selecting **one** of the following courses of action: Either (a) submit a new formal petition signed by a

registered practitioner, (b) submit Ms. Izzo's registration number and a statement from her requesting that the Office consider the June 5, 2009 correspondence to be a renewed petition.

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By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Verkuijlen, et al.	:	DECISION ACCORDING STATUS
Application No. 12/231,617	:	UNDER 37 CFR 1.47(a)
Filed: September 4, 2008	:	
Attorney Docket No.	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed December 1, 2009.

The petition is granted.

Petitioner has shown that the non-signing inventor, Robert Verkuijlen, cannot be located to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/231,638	09/04/2008	Masashi Miyagawa	4041J-001506	3854

7590 04/22/2010.
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
04/22/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 04/22/2010 NFARMER
09/05/2008 WASFAW1 00000011 12231638
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Mitsuo Koguchi	: DECISION ON REQUEST FOR
Patent Number	: 7614882	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/231,644	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/04/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ROBERT F. GAZDZINSKI
ATTORNEY OF RECORD
SUITE 375
11440 WEST BERNARDO COURT
SAN DIEGO CA 92127

MAILED

NOV 25 2009

OFFICE OF PETITIONS

In re Application of
Justin Tidwell
Application No. 12/231,655
Filed: September 4, 2008
Attorney Docket No. TWAR.084A/TWC 08-28

DECISION ON PETITION

This is a decision on the petition filed August 28, 2009, under 37 CFR 1.137(a), or, in the alternative, under 37 CFR 1.137(b), to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED.**

The petition under 37 CFR 1.137(b) 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 "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts mailed September 23, 2008 (Notice), which set a period for reply of (2) TWO MONTHS from the mail date of the Notice. A Notice of Incomplete Reply was mailed on April 7, 2009. A Notice of Abandonment was mailed on July 23, 2009.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

As to item (3), the Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Director to have been "avoidable." **See**, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

A Notice to File Missing parts was mailed on September 23, 2008. A response was received on March 26, 2009, with an extension of time fee of four (4) months to be charged to petitioner's deposit account number. A Notice of Incomplete Reply was mailed on April 7, 2009 (Notice). The above petition was filed on August 28, 2009.

Petitioner states that, "the abandonment of the application was through "unforeseen fault or imperfection" of Applicant's agents and instrumentalities and therefore unavoidable. Petitioner further asserts that applicant contacted the Office regarding the second notice in an effort to request information regarding the period of time set for reply and to determine what was needed to place the drawings in condition for allowance. However, it is noted that the Notice mailed April 7, 2009, alerted applicant that the period of reply remain as set forth in the Notice (which was the Notice mailed September 9, 2008). Also, the Notice mailed April 7, 2009 indicated that the drawings submitted on March 26, 2009, were not acceptable because, "The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds and copy marks. See Figure(s) 2, 2a, 2b, 9, 10a, 10b." Therefore, petitioner was notified of the requirements necessary to file a proper reply. Additionally, Office finance records indicates that petitioner's deposit account number 50-1423 had insufficient funds to process the four (4) month extension of time fee ($1,730.00) submitted on March 26, 2009.

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay. *See* Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ

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[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."

Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891). A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. *See* In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); *see also* In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994) (while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

In view of the above, the showing presented is insufficient to establish an unavoidable delay matter within the meaning of 37 CFR 1.137(a).

As to the Petition under 37 CFR 1.137(b):

The petition is **dismissed**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s)(1).

The drawings submitted on August 28, 2009, are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d), as required in the Notice mailed April 7, 2009.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT F. GAZDZINSKI
ATTORNEY OF RECORD
SUITE 375
11440 WEST BERNARDO COURT
SAN DIEGO CA 92127

COPY MAILED
JAN 27 2010

In re Application of Justin Tidwell et al Application No. 12/231,655 Filed: September 4, 2008 Attorney Docket No. TWAR.084A/TWC 08-28	: : : : : :	DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an executed declaration/surcharge fee and replacement drawings. (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts mailed September 23, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 14 2009

OFFICE OF PETITIONS

JOHN E SIMMS JR
8056 PHILADELPHIA ROAD
LOWER LEVEL
BALTIMORE MD 21237

In re Application of	:	
Grist, et al.	:	
Application No. 12/231,656	:	ON PETITION
Filed: September 4, 2008	:	
Attorney Docket No. 08-126	:	

This is a decision on the petition to revive under 37 CFR 1.137(a), filed July 9, 2009.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

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 23, 2008. This Notice set an extendable period for reply of two months to file replacement drawings. No drawings having been received, the application became abandoned on November 24, 2008. The Office mailed a Notice of Abandonment on June 4, 2009.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With regards to item (3), petitioner states that the Notice was not received at the prior correspondence address. In support thereof, petitioner has included a copy of the front page of the application file jacket, together with an affidavit. However, to establish non receipt of an office action, a 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

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[1] In re Mattulath, 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 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

application in question.[3]

Accordingly, on renewed petition, petitioner should submit a copy of a master docket report from the firm of Hodes, Pessin & Katz, showing all replies docketed for a due date of November 23, 2008. If no such master docket report exists, petitioner should so state for the record, and submit other evidence as set forth above.

Alternative Venue and Other Matters:

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Receipt of the $270 petition fee is acknowledged.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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[3] MPEP 711.03(c)(II) (emphasis added).

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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JOHN E SIMMS JR
8056 PHILADELPHIA ROAD
LOWER LEVEL
BALTIMORE MD 21237

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Grist, et al.	:	
Application No. 12/231,656	:	ON PETITION
Filed: September 4, 2008	:	
Attorney Docket No. 08-126	:	

This is a decision on the renewed petition to revive under 37 CFR 1.137(a), filed September 16, 2009.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

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 23, 2008. This Notice set an extendable period for reply of two months to file replacement drawings. No drawings having been received, the application became abandoned on November 24, 2008. The Office mailed a Notice of Abandonment on June 4, 2009. Applicants filed a petition to revive under 37 CFR 1.137(a) on July 9, 2009, asserting that they never received the Notice to File Corrected Application Papers. The petition was dismissed in a decision mailed on August 14, 2009.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or

notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

In the July 9, 2009 petition, petitioner stated that the Notice was not received at the prior correspondence address. In support thereof, petitioner included a copy of the front page of the application file jacket, together with an affidavit. However, in the dismissal mailed August 14, 2009, the decision cited MPEP 711.03(c)(II), and explained that petitioner should submit a copy of the master docket report from the prior correspondence address (Hodes, Pessin & Katz), showing all of the replies docketed for a due date of November 23, 2008. In the event a master docket report did not exist, petitioner should state that for the record, and provide other evidence, such as, but not limited to: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

On renewed petition, petitioner has included a statement from the prior law firm - Hodes, Pessin & Katz - attesting that the firm does not keep a master docket report or an incoming mail log.

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[1] In re Mattulath, 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 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

However, because of this it is not apparent how the firm keeps track of and reminds itself of incoming due dates. There is nothing in the record which fails to suggest that the Notice was received at the firm, but simply lost or misplaced. Accordingly, based on the evidence at this time, the petition must be dismissed.

Alternative Venue and Other Matters:

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

JOHN E SIMMS JR
8056 PHILADELPHIA ROAD
LOWER LEVEL
BALTIMORE MD 21237

In re Application of	:	
Grist, et al.	:	
Application No. 12/231,656	:	ON PETITION
Filed: September 4, 2008	:	
Attorney Docket No. 08-126	:	

This is a decision on the renewed petition to revive under 37 CFR 1.137(a), filed October 23, 2009.

The petition under 37 CFR 1.137(a) 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 23, 2008. This Notice set an extendable period for reply of two months to file replacement drawings. No drawings having been received, the application became abandoned on November 24, 2008. The Office mailed a Notice of Abandonment on June 4, 2009. Applicants filed a petition to revive under 37 CFR 1.137(a) on July 9, 2009, asserting that they never received the Notice to File Corrected Application Papers. The petition was dismissed in a decision mailed on August 14, 2009. Applicants filed a renewed petition on September 16, 2009, which was dismissed in a decision mailed on September 29, 2009.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable.

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."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

In the July 9, 2009 petition, petitioner stated that the Notice was not received at the prior correspondence address. In support thereof, petitioner included a copy of the front page of the application file jacket, together with an affidavit. However, in the dismissal mailed August 14, 2009, the decision cited MPEP 711.03(c)(II), and explained that petitioner should submit a copy of the master docket report from the prior correspondence address (Hodes, Pessin & Katz), showing all of the replies docketed for a due date of November 23, 2008. In the event a master docket report did not exist, petitioner should state that for the record, and provide other evidence, such as, but not limited to: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

On renewed petition filed September 16, 2009, petitioner included a statement from the prior law firm - Hodes, Pessin & Katz - attesting that the firm does not keep a master docket report or an incoming mail log. However, the dismissal mailed September 28, 2009 pointed out that it was not apparent how the firm keeps track of and reminds itself of incoming due dates. There was nothing in the record which fails to suggest that the Notice was received at the firm, but simply lost or misplaced.

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[1] In re Mattulath, 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 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

With the instant renewed petition, petitioner has explained that the prior law firm (Hodes, Pessin & Katz) kept track of the due dates of its incoming correspondence via a computer calendar system. According to petitioner, the firm would not have entered due dates into the system after ceasing to represent an applicant, but would maintain any received Office correspondence in a file folder, to be forwarded to the applicant. In support thereof, petitioner has included a letter from Hodes, Pessin, & Katz, explaining that no entries were found in the computer calendar system for the instant application.

In view of the above, the petition is granted.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the replacement drawings filed on July 9, 2009.

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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MAR 15 2010

OFFICE OF PETITIONS

AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY, 10016

In re Application of	:	
Yasushi Shigeta	:	
Application No. 12/231,657	:	DECISION ON PETITION
Filed: September 4, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 03125/48	:	37 CFR 1.102
	:	

This is a decision on the petition under 37 CFR 1.102 filed February 23, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009).

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The petition lacks item(s) (1) above.

A review of the record did not reveal that applicant has established small entity status under 37 CFR 1.27 in the above-identified application for which special status is sought under 37 CFR 1.102. Such is a requirement for a successful petition under 37 CFR 1.102 to make this application special under the Patent Application Backlog Reduction Stimulus Plan.
If appropriate, applicant may establish small entity status under 37 CFR 1.27 in the above-identified application and file a renewed petition under 37 CFR 1.102 to make this application special under the Patent Application Backlog Reduction Stimulus Plan.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at 571-272-3222.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3714 for action in its regular turn.

Anthony Knight
Supervisory 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.
12/231,663	09/04/2008	Mark Ellery Ogram	1414AW .1	4000

7590 10/08/2008

Mark E. Ogram
Ste. 110-186
6990 E. 22nd Street
Tucson, AZ 85710-5191

EXAMINER

ART UNIT	PAPER NUMBER
2836	

MAIL DATE	DELIVERY MODE
10/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mark E. Ogram
Ste. 110-186
6990 E. 22nd Street
Tucson, AZ 85710-5192

In re Application of: Mark E. Ogram Serial No.: 12/231,663 Filed: September 4, 2008 Attorney Docket No.: 1414AW.1 Title: DYNAMIC ELECTRICAL CONVERTER SYSTEM	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02(VI) ENERGY

This is a decision on the petition filed on September 4, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102 and M.P.E.P. § 708.02(VI) Energy.

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 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), all petitions to make special, other than those based on applicant's health or age or the Patent Prosecution Highway (PPH) pilot program, filed on or after August 25, 2006 must meet the requirements for the revised accelerated examination program set forth in MPEP § 708.02(a). According to subsection I of M.P.E.P. §708.02(a), the following conditions must be satisfied:

> (C) The application, petition and required fees must be filed electronically using 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.

(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.

(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.

(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.

(I) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102 because it was not filed electronically using USPTO's electronic filing system (EFS), or EFS-Web, and did not include (1) a statement asserting that EFS and EFS-web were not available during the normal business hours for these systems at the time of filing the application. Nor did the application include (2) a statement that applicant will agree to make an election without traverse in a telephonic interview, (3) a statement that applicant will agree to have an interview when requested by the examiner, (4) a statement that a preexamination search was conducted, and (5) an accelerated examination support document in support of the petition.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, T-QAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

HP/JC

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MARK E. OGRAM
STE. 110-186
6990 E. 22ND STREET
TUCSON, AZ 85710-5191

COPY MAILED
JAN 22 2010

In re Application of	:	
OGRAM, Mark Ellery	:	DECISION ON PETITION
Application No. 12/231,663	:	TO MAKE SPECIAL UNDER
Filed: September 4, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1414AW.1	:	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 361/111) 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 "DYNAMIC ELECTRICAL CONVERTER SYSTEM". 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 "electrical converter system" or "electrical system" of the present invention can harness "naturally occurring electrical energy in the atmosphere" in a manner that produces "no carbon emissions and to provide this electrical power configured to meet the demands of the power grid, 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

HENRY I. SCHANZER, ESQ.
29 BROOKFALL RD.
EDISON NJ 08817

MAILED

OCT 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Mark R. Draper et al	:	
Application No. 12/231,744	:	ON PETITION
Filed: September 5, 2008	:	
Attorney Docket No. OPT 78	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 3, 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 September 26, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The drawings submitted on August 3, 2009 are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d), as required in the Notice mailed September 26, 2008

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HENRY I. SCHANZER, ESQ.
29 BROOKFALL RD.
EDISON NJ 08817

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of
Mark R. Draper et al
Application No. 12/231,744
Filed: September 5, 2008
Attorney Docket No. OPT 78

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 12, 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 replacement drawings; (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 September 26, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
SUITE 702
UNIONDALE NY 11553

COPY MAILED

MAR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Richardson et al.	:	DECISION REFUSING STATUS
Application No. 12/231,758	:	UNDER 37 CFR 1.47(a)
Filed: September 5, 2008	:	
Attorney Docket No. 1481-8	:	

This is in response to the petition under 37 CFR 1.47(a), filed February 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(s) (2) and (4) set forth above.

As to item (2) above, the declaration lacks compliance with 37 CFR 1.63(a)(2) in that the declaration does not list all the named inventors. Petitioner's attention is directed to MPEP Section 602, which states:

> "Where joint inventors execute separate oaths or declarations, each oath or declaration should make reference to the fact that the affiant is a joint inventor together with each of the other joint inventors indicating them by name. This may be done by stating that he or she does verily believe himself or herself to be the original, first and joint inventor together with 'A' or 'A & B, etc."

Accordingly, a new declaration which lists all the inventors and is signed by all the signing inventor(s) and leaving the signature block of the non-signing inventor blank is required. *See*

also MPEP Sections 201.03 and 409.03(a). The declaration, which has included all of the inventors, is not signed.

As to item (4), a statement of the inventor's last known address is missing from the petition and is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DILWORTH & BARRESE, LLP
1000 WOODBURY ROAD
SUITE 405
WOODBURY NY 11797

MAILED

JUN 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Dale Richardson, Bryan Richardson and	:	DECISION GRANTING STATUS
Stephen Barry	:	UNDER 37 CFR 1.47(a)
Application No. 12/231,758	:	
Filed: September 5, 2008	:	
Attorney Docket No. 1481-8	:	
For: System and Method Of Managing Safety	:	
Information	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed May 29, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Barry has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Stephen Barry
10904 192 Avenue, Apt. 1008
Edmonton, Alberta
Canada T5K 2Y3

MAILED

JUN 19 2009

OFFICE OF PETITIONS

In re Application of
Dale Richardson, Bryan Richardson and Stephen Barry
Application No. 12/231,758
Filed: September 5, 2008
Attorney Docket No. 1481-8
For: System and Method Of Managing Safety Information

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: DILWORTH & BARRESE, LLP
1000 WOODBURY ROAD
SUITE 405
WOODBURY NY 11797

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.
12/231,793	09/05/2008	Jeffrey G. Weissman	DE258-67040/DP-316361	4761

22851 7590 02/12/2010
DELPHI TECHNOLOGIES, INC
LEGAL STAFF - M/C 483-400-402
5725 DELPHI DRIVE
PO BOX 5052
TROY, MI 48007

EXAMINER
BALDWIN, GORDON

ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
02/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Alexandria, VA 22313-1450
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DELPHI TECHNOLOGIES, INC
LEGAL STAFF - M/C 483-400-402
5725 DELPHI DRIVE
PO BOX 5052
TROY MI 48007

FEB 1 2 2010

In re Application of	:	
Weissman et al.	:	DECISION ON PETITION
Application No. 12/231,793	:	TO MAKE SPECIAL UNDER
Filed: 9/5/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **DE258-67040/DP-316361**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/27/2010, 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 428/116.000) 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 1794 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUN 19 2009

OFFICE OF PETITIONS

MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

In re Application of
Arnold, Northrup, and Sessum
Application No.: 12/231,839
Filed: September 4, 2008
Attorney Docket No: 4082.EPSI.NP
Invention: **WEAR PLATE FOR CENTRIFUGAL PUMP**

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed December 8, 2008.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on September 4, 2008, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on October 3, 2008, allowing a shortened period for reply of two months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). The notice required a proper oath or declaration to be filed and payment of a surcharge. The instant petition was filed on December 8, 2008, with a request for an extension of time within the first month.

Petitioner has shown that inventor Sessum has constructively refused to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Deposit account 50-0881 will be charged $200.00 for the instant petition fee.

This application will be forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHARLES J RUPNICK
PO BOX 46752
SEATTLE WA 98146

COPY MAILED
DEC 12 2008

In re Application of Wesley Grenlund et al. Application No. 12/231,901 Filed: September 5, 2008 Attorney Docket No. SEP-001 CIP	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition filed November 19, 2008 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on September 5, 2008 without an oath or declaration. Accordingly, on September 26, 2008, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. A response was filed October 16, 2008 which did not include an executed oath or declaration and a Notice of Incomplete Reply was mailed November 4, 2008.

In response thereof, the instant petition under 37 CFR 1.47(a) was filed. The petition argues that joint inventors Wesley Grenlund and Aaron Grenlund refuse to sign the oath or declaration and thus by their actions, to cooperate with the filing of the instant 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 sent to Wesley Grenlund and Aaron Grenlund and that they both have expressly, in writing, refused to sign the oath or declaration or to cooperate with the filing of the instant application. 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.

The application is being forwarded to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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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MAILED

AUG 17 2009

OFFICE OF PETITIONS

MATLOCK LAW GROUP, PC
1485 TREAT BLVD.
SUITE #200
WALNUT CREEK CA 94597

In re Application of	:	
Dean Sanders	:	
Application No. 12/231,902	:	ON PETITION
Filed: September 4, 2008	:	
Attorney Docket No. 005IW-003	:	

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 **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application mailed October 1, 2008. A Notice of Abandonment was mailed on June 9, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1) and (2).

As to item (1):

The drawings submitted on June 19, 2009 are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d), as required in the Notice mailed October 1, 2008. Also, the Office is **not** in receipt of the required fees and a properly signed oath or declaration in compliance with 37 CFR 1.63.

As to item (2):

The required petition fee under small entity status of $810.00 has not been received.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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NOV 25 2009

OFFICE OF PETITIONS

MATLOCK LAW GROUP, PC
1485 TREAT BLVD.
SUITE #200
WALNUT CREEK CA 94597

In re Application of	:	
Dean Sanders	:	
Application No. 12/231,902	:	ON PETITION
Filed: September 4, 2008	:	
Attorney Docket No. 005IW-003	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application mailed October 1, 2008. A Notice of Abandonment was mailed on June 9, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

As to item (1):

As noted in the decision mailed August 17, 2009, the Office is **not** in receipt of the required fees required in the Notice to File Missing Parts mailed October 1, 2008. A copy is enclosed for your convenience. (Petitioner is encouraged to note page 1 and 2 regarding the required fees).

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

Enclosed: Copy of Notice To File Missing Parts Of Nonprovisional Application mailed October 1, 2008.

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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
12/231,902	09/04/2008	Dean Sanders	005IW-003

CONFIRMATION NO. 4805

FORMALITIES LETTER

61953
Matlock Law Gfoup, PC
K. Brian Matlock
1485 Treat Blvd.
Suite #200
Walnut Creek, CA 94597

OC000000032307816

Date Mailed: 10/01/2008

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 statutory basic filing fee is missing.
  *Applicant must submit $**155** to complete the basic filing fee for a small entity.*
- 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 application is informal since it does not comply with the regulations for the reason(s) indicated below.

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 12,13 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.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **$470** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- 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 **$1050** for a small entity
- **$155** Statutory basic filing fee.
- **$65** Surcharge.
- The application search fee has not been paid. Applicant must submit **$255** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **$105** to complete the examination fee for a small entity in compliance with 37 CFR 1.27.
- Total additional claim fee(s) for this application is **$470**
  - **$420** for **4** independent claims over 3.
  - **$50** for **2** total claims over 20.

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.

/ygizaw/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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FEB 22 2010

OFFICE OF PETITIONS

MATLOCK LAW GROUP, PC
1485 TREAT BLVD.
SUITE #200
WALNUT CREEK CA 94597

In re Application of	:	
Dean Sanders	:	
Application No. 12/231,902	:	DECISION ON PETITION
Filed: September 4, 2008	:	
Attorney Docket No. 005IW-003	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees; replacement drawings and declaration (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts mailed October 1, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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ADAMS AND REESE LLP
4400 ONE HOUSTON CENTER
1221 MCKINNEY
HOUSTON TX 77010

In re Application of	:	
Robert G. Derrick	:	
Application No.: 12/231,961	:	ON PETITION
Filed: September 8, 2008	:	
Attorney Docket No: 16864-36	:	

This is in response to the petition under 37 CFR 1.137(b) filed June 30, 2009.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed September 29, 2008. The notice set a shortened period for reply of two-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A response was not received within the allowable period and the application became abandoned on November 30, 2008. A Notice of Abandonment was mailed on 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 requirements of item (1) above.

As to item (1) above, the Notice mailed September 29, 2008, required an oath or declaration under 37 CFR 1.63 to be filed along with payment of a surcharge. The declaration filed June 30, 2009, titled "Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76)", is not proper because it was accompanied by an Application Data Sheet (ADS) which is required when using the type of declaration form filed June 30, 2009. The renewed petition must be accompanied by either an ADS or petitioner may use Form PTO/SB/01 which is enclosed to satisfy the requirement for a properly executed oath or declaration under 37 CFR 1.63.

The request made June 30, 2009, for an extension of time within the fifth month is noted, but cannot be granted as the request was made outside the maximum period for reply to the Notice to File Missing Parts of Non-Provisional Application. Further, the extension of the time is not necessary because the application was already in an abandoned status when the request was made. The amount of $1,175.00 will be credited to deposit account 50-2413, in due course.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/01

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ADAMS AND REESE LLP
4400 ONE HOUSTON CENTER
1221 MCKINNEY
HOUSTON TX 77010

In re Application of	:	
Robert G. Derrick, et al.	:	
Application No.: 12/231,961	:	ON PETITION
Filed: September 8, 2008	:	
Attorney Docket No: 16864-36	:	

This is in response to the renewed petition under 37 CFR 1.137(b) filed September 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 Missing Parts of Non-Provisional Application mailed September 29, 2008. The notice set a shortened period for reply of two-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A response was not received within the allowable period and the application became abandoned on November 30, 2008. A Notice of Abandonment was mailed on June 10, 2009.

The request made September 28, 2009, for an extension of time within the fifth month is noted, but cannot be granted as the request was made outside the maximum period for reply to the Notice to File Missing Parts of Non-Provisional Application. Further, the extension of the time is not necessary because the application was already in an abandoned status when the request was made. The amount of $1,175.00 will be credited to deposit account 50-2413, in due course.

It is also noted that the petition fee of $810.00 was paid again, but is not required. The overpayment of $810.00 will be credited to deposit account 50-2413, in due course.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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KLAUS J. BACH & ASSOCIATES
PATENTS AND TRADEMARKS
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668

In re Application of Robert Inderka, et al. Application No. 12/231,991 Filed: September 8, 2008 Attorney Docket No.: MB 714	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed April 19, 2010.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before March 1, 2010, as required by the Notice of Allowance and Fee(s) Due mailed December 1, 2009. The issue and publication fees were paid on March 5, 2010. A Notice of Abandonment was subsequently mailed on March 19, 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

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/04/2010

Applicant	: Jian-Min Jeng	: DECISION ON REQUEST FOR
Patent Number	: 7641884	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/232,034	: 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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P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215-0035

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In re Application of	:	
WAJDA, George J.	:	
Application No. 12/232,154	:	DECISION ON PETITION
Filed: September 11, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **30196.02**	:	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 a statement by George Wajda, 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 3751 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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CRYSTAL CITY STATION
ARLINGTON, VA 22215-0035

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OFFICE OF PETITIONS

In re Application of	:	
George J. WAJDA	:	
Application No. 12/232,155	:	DECISION ON PETITION
Filed: September 11, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 30196.00	:	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 a declaration statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

This application is being referred back to the Office of Patent Application Processing for processing. This application will be accorded "special" status when pre-examination processing is done.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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Alexandria, Virginia 22313-1450
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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	: Ikuko Mori	: DECISION ON REQUEST FOR
Patent Number	: 7643102	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/232,156	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/11/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/232,223	09/12/2008	Jago Pridie	SCS-5065-30	7162

23117 7590 06/11/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
KHARE, ATUL P

ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
06/11/2010	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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wk

Mailed : JUN 1 1 2010

In re Application of	: DECISION ON
Pridie	: PETITION
Serial No. 12/232,223	:
Filed: September 12, 2008	:
For: METHOD OF MONITORING THE PERFORMANCE OF A PRESSURE INTENSIFIER	

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on April 13, 2010. The Examiner initially required a restriction between Group I, claims 1-9, drawn to a method and Group II, claim 10 drawn to an apparatus. Applicants elected Group I with traverse.

Under MPEP 803, there are two criteria for making a proper requirement for restriction between patentably distinct inventions:

(A)The inventions must be independent (see MPEP § 802.01, § 806.06, § 808.01) or distinct as claimed (see MPEP § 806.05 § 806.05(j)); and

(B)There would be a serious burden on the examiner if restriction is not required (see MPEP § 803.02, § 808, and § 808.02).

The term "independent" means that there is no disclosed relationship between the two or more inventions claimed, that is, they unconnected in design, operation, and effect. Related inventions are distinct if the inventions as claimed are not connected.

Process and apparatus for its practice can be shown to be distinct inventions, if either or both of the following can be shown: (A) that the process as claimed can be practiced by another materially different apparatus or by hand; or (B) that the apparatus as claimed can be used to practice another materially different process. The burden is on the Examiner to provide reasonable examples that recite material differences.

The Examiner's position is that the process can be practiced by hand. Applicant argues that the specific step of "placing an array of pressure sensors", "compressing" the pressure sensors between a pressure intensifier and the mold tool and "monitoring the distribution of pressure" would make it impossible to accomplish the compressing step by hand. The Examiner did not find Applicant's arguments convincing because a person's hand can constitute a pressure sensor as required by the claims. Therefore, the steps of compressing and monitoring can in fact be performed by hand as well.

If Applicants prove or provide a convincing argument that there is no material difference the burden is on the Examiner to document another materially different process or apparatus or withdraw the requirement. The Examiner further points out that the apparatus can be used in a different method such as conventional molding.

The Examiner's position that the apparatus as claimed can be used to practice another and materially different method appears to be reasonable.

If there is an express admission that the claimed inventions would have been obvious over each other within the meaning of 35 U.S.C. 103, restriction should not be required. In re Lee, 199 USPQ 108 (Comm'r Pat. 1978). Applicant has not made an express admission that the claimed inventions would have been obvious over each other.

For purposes of the initial requirement, a serious burden on the examiner may be prima facie shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02. That prima facie showing may be rebutted by appropriate showings or evidence by the applicant. The Examiner classified Group I in class 264, subclass 40.5 and Group II in class 425, subclass 149 there by establishing a prima facie showing of serious burden. Applicant has not rebutted the prima facie showing by appropriate showings or evidence.

DECISION

The petition is DENIED.

/JACQUELINE STONE/

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Stanley C. Spooner
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/232,358	09/16/2008	Kazuo Akiyama	KKH-002	8838

7590 06/09/2010
KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER
NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
3725	

MAIL DATE	DELIVERY MODE
06/09/2010	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.

Betty Powell

Patent Publication Branch
Office of Data Management

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/232,543	09/18/2008	Paul Simon Grant	55071	9243

7590 11/19/2009
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER

ART UNIT	PAPER NUMBER
1797	

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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 11/20/2009 NFARMER 0015223700
DAA:162220 Name/Number:12232543
FC: 9204 $930.00 CR

Adjustment date: 11/20/2009 NFARMER
12/15/2008 SMOHAMME 00000008 12232543
03 FC:1111 -540.00 OP
05 FC:1203 -390.00 OP

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/232,642	09/22/2008	Takehide Nakamura	138572	1302

7590 05/03/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
AURORA, REENA

ART UNIT	PAPER NUMBER
2858	

NOTIFICATION DATE	DELIVERY MODE
05/03/2010	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: 05/03/2010 [illegible]
[illegible] MAHMEDI [illegible]
02 FC:1111 -310.00 CP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/232,656	09/22/2008	Joe-Oong Hahn	302/106	1166

7590 11/02/2009

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/02/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
11/02/2009 0030075251

Credit Card Refund Total: $510.00

Acct Exp.: XXXXXXXXXXX1003

Adjustment date: 11/02/2009 NFARRER
09/23/2008 SZEWDIE1 00000105 12232656
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/232,680	09/22/2008	Ken Kumakura	1996.1033D	1742

21171 7590 12/31/2009
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
12/31/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
KUMAKURA, KEN et al.	:	DECISION ON REQUEST TO
Application No. 12/232,680	:	PARTICIPATE IN PATENT
Filed: September 22, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **1996.1033D**	:	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 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 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

326

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.
12/232,759	09/23/2008	Kazuaki Bito	26A-075	1890

7590 05/06/2010
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
BROWN, DREW J

ART UNIT	PAPER NUMBER
3616	

MAIL DATE	DELIVERY MODE
05/06/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/232,795	09/24/2008	Mitsuru Takeuchi	138590	2289

7590 02/24/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
02/24/2010	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: 02/24/2010 NFARMER
[illegible] -513.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

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JUL 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Yuichiro Kanazawa, et al.	:	
Application No. 12/232,797	:	DECISION GRANTING PETITION
Filed: September 24, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 138589	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, July 13, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 11, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2873 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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AKERMAN SENTERFITT
8100 BOONE BOULEVARD, SUITE 700
VIENNA, VA 22182-2683

MAILED

JUN 15 2010

OFFICE OF PETITIONS

In re Application of
Kunal KANDEKAR, et *al.*
Application No. 12/232,805
Filed: September 24, 2008
Attorney Docket No. **52184.218359**

NOTICE UNDER 37 CFR 1.28(C)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Litman Law Offices, Ltd.
Post Office Box 15035
Crystal City Station
Arlington, VA 22215-0035

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OFFICE OF PETITIONS

In re Application of :
Kevin R. Tess et al. :
Application No. 12/232,873 :
Filed: September 25, 2008 :
Attorney Docket No. 29290.00 :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 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 the applicant Thomas J. Tess. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-2600.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 3781 for action on the merits commensurate with this decision.

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAR 31 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
SOH, YOON SEONG, et al.	:	DECISION ON REQUEST TO
Application No. 12/232,954	:	PARTICIPATE IN PATENT
Filed: September 26, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 6111-000003/US/COO	:	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 February 25, 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 KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 2 above in that a copy of the actual allowable/patentable claims from the KIPO application has not been submitted.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
SOH, YOON SEONG et al.	:	DECISION ON REQUEST TO
Application No. 12/232,954	:	PARTICIPATE IN PATENT
Filed: September 26, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 6111-000003/US/COO	:	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 April 21, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAR 31 2009

DIRECTOR'S OFFICE
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
SOH, YOON SEONG, et al.	:	DECISION ON REQUEST TO
Application No. 12/232,955	:	PARTICIPATE IN PATENT
Filed: September 26, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 6111-000003US/COE	:	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 February 17, 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 KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 2 above in that a copy of the actual allowable/patentable claims from the KIPO application has not been submitted.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
SOH, YOON SEONG et al.	:	DECISION ON REQUEST TO
Application No. 12/232,955	:	PARTICIPATE IN PATENT
Filed: September 26, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 6111-000003US/COE	:	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 April 23, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of SOH, YOON SEONG, et al. Application No. 12/232,957 Filed: September 26, 2008 Attorney Docket No. 6111-000003/US/COU	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 February 19, 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 KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 2 above in that a copy of the actual allowable/patentable claims from the KIPO application has not been submitted.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 11 2009

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
SOH, YOON SEONG et al.	:	DECISION ON REQUEST TO
Application No. 12/232,957	:	PARTICIPATE IN PATENT
Filed: September 26, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 6111-000003/US/COU	:	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 April 23, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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4581 WESTON ROAD
SUITE 345
WESTON FL 33331

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FEB 23 2009

TECHNOLOGY CENTER 2100

In re Application of: HAUSTEIN et. al.
Serial No.: **12/233,002**
Filed: September 18, 2008
Docket: DE920080121US1
For: OPTIMIZING NODE SELECTION WHEN HANDLING CLIENT REQUESTS FOR A DISTRIBUTED FILE SYSTEM (DFS) BASED ON A DYNAMICALLY DETERMINED PERFORMANCE INDEX

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 18, 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 to II. 5.1, 5.3, 6.1 and 6.4-6.6 above are considered to have been met. However, the petition fails to comply with conditions II. 5.2 and 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 to the requirement of MPEP § 708.02(a)(I.)(H) and items II.5.2 above, the pre-examination search must involve U.S. Patents and patent application publications, foreign patent documents, and non-patent literature and pre-examination search must be directed to the instant claimed invention and encompass all of the features of the claims, giving the claim the broadest reasonable interpretation.

The search logic does not seem to include the inventive concept or features included in the claimed language that covers the subject matter of claims using terminologies recognized in the art given their broadest reasonable interpretation. The search should consider individual features by themselves and combinations of features as well as synonyms. The search should cover the *broadest scope* encompassed by the claims as well as claims of *narrow and intermediate breadth.*

Based upon the claimed subject matter of the instant application, the following supplemental suggested search is presented:

master, primary
node, device, client, computer, server
performance, load, status, state
best, optimal
vote, election, consensus, agreement, poll
preselect, preset, predetermine, predefined
index, metric

Here is an exemplarily simple search strategy that would depth and breadth to cover all concepts the claims and intended to **supplement** Petitioner's text search set forth on the pre-examination search document in order to provide full coverage of where the most pertinent references are most likely to be found:

L1 *request$4 same (resourc$4 or service$4) same (master$4 or primary$4) same (determi$4 or check$4) same (optimal or best) same (node$4 or device$4 or computer$4 or server$4 or provider$4 or service$4 or host$4)*

L2 *(rac$4 or racing or race$4) same (determine$4 or check$4 or vot$4 or poll$ or select$) same (master or best or primary)*

L3 *(determine$4 or check$4 or select$4 or preselect$4) same (optimal$4 or best) same (node$4 or device$4 or computer$4 or server$4 or provider$4 or service$4 or host$4)*

L5 *(L1 L2)*
L6 *(L1 L3)*
L7 *(L2 L3)*

Default proximity operator is "OR", other proximity operators used in EAST are: "adj", "near", "with", "same". All databases files such as U.S. patents and patent application publications, foreign patent documents, and non-patent literature should be applied.

Note that the above list of terms and synonyms are not meant to be an exhaustive list, merely an example of various terms and synonyms that can be used to produce a more comprehensive prior art

search. Nor these examples are limited only to those sets of search terms provide; each search term used should be evaluated for applicable synonyms. Additionally, searches utilizing other databases should be modified to include the above-mentioned terms and synonyms.

These text search strategies should be added to supplement the classified search performed. It should be noted that it is rare that a text search alone would be considered a complete search strategy (see MPEP §904.02). A recommended search strategy is a couple of the most relevant subclasses, searched by themselves, viewing each document or combined in a text search with a few relevant terms. A larger subset of subclasses can be combined with more search terms.

The Petitioner is advised to review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure the pre-examination search covers these concepts and update search and/or provide any clarification if deemed necessary.

Regarding to the requirement of MPEP § 708.02(a)(I.)(I) and items II. 6.2 above, the discussion in section III of the Accelerated Examination Support Document (AESD) does not provide a detailed explanation and identification of how *each of the claimed features* is disclosed by the references.

Rather, in section III, the Petitioner states that "receiving a client request for a resource by a ...node of a distributed file system", "determining ...from all calculated...," or sending a master...". It is clear whether the entire claim limitation is taught by the applied reference(s) or only the aspect shown of the claim limitation, particularly, in view of Petitioner's statement of patentability.

Petitioner is required to provide a detail discussion of the pertinent subject matter disclosed in each of the references, specifically identifying and reciting *each claimed limitations in its entirety* and clearly indicating what aspect are taught or not associating with corresponding disclosure within the references, as appropriate.

Regarding to the requirement of MPEP § 708.02(a)(I.)(I) and items II. 6.3 above, the Accelerated Examination Support Document (AESD) requires a detailed explanation of how the claim is patentable with the particularity required by CFR 1.111(b) and (c).

The detailed explanation of patentability statement with respect to claims 1 and 3 is deficient in that although the Petitioner specifically points out what language in the claims patentably distinguishes them from the references, he/she fails to show what is the distinction between what is claimed and the teachings of the reference since in certain instances according to section III, the references teaches one or more limitations.

The Petitioner fails to point out how the language of the claims distinguishes from the reference. For example, the Petitioner states that Dinker teaches "...each preselected DFS node participates in a voting process, wherein said voting process dynamically determines...(0045); fulfilling the client request (0048) (see section III) Limitations disclosed by references). Further, the Petitioner indicates that Dinker teaches a "voting" among a set of nodes that is combined to form a consensus, which is not similar. However, the breadth of the claim language is not distinguishable over the teachings of the references, because what is claimed is a process which determines an optimal response, at least on claim 1.

The Petitioner further states that "No known art teaches that DFS nodes are to transmit a vote, which is used to determined which of the possible nodes is optimal for handling a client request", however, that is not what is claimed. It is noted that there is no transmission of a vote recited on claim 1,

what is claimed is that the nodes participate in a process, and the process determines an optimal response, it does not recited that it uses the transmitted vote.

Regarding the detail explanation of patentability statement with respect to claims 2 and 4, the Petitioner states that, "each candidate node dynamically calculates a performance index value for that node to handle a request, which is used to determine which DFS a master node selects." and that Dinker teaches a form of consensus which is not similar, however, it is not claimed that the master node selects the node, what is claimed is determining an optimal index values from all calculated performance index values and sending the master node an acknowledgement by the optimal response DFS node which indicates to the master node to fulfill the client request with the optimal response DFS node. Further, in section III Limitation disclosed by the references, Petitioner indicated that Dinker does teaches these limitations, namely, "wherein participating in the voting process further comprises: receiving a voting invitation ...; (para 0045); responsive to the receiving step, dynamically calculating ... (para 0047); exchanging the calculated performance (para 0047); determining ... from all calculated ..., (para 0049); and sending the master ... (para 0028; 0051)", thus it is not clear whether the references teaches or not these limitations. 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 to Kim Huynh, Quality Assurance Specialist, at (571) 272-4147.

/thn/

Beatriz Prieto for

Kim Huynh, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/233,002	09/18/2008	NILS HAUSTEIN	DE920080151US1	1335

75339 7590 02/23/2009
PATENTS ON DEMAND, P.A.-IBM ACCSPP
4581 WESTON ROAD
SUITE 345
WESTON, FL 33331

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
02/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/233,002	09/18/2008	NILS HAUSTEIN	DE920080151US1	1335

75339 7590 04/16/2009
PATENTS ON DEMAND, P.A.-IBM ACCSPP
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WESTON, FL 33331

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
04/16/2009	PAPER

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WESTON FL 33331

In re Application of: HAUSTEIN et. al.
Serial No.: **12/233,002**
Filed: September 18, 2008
Docket: DE920080121US1
For: OPTIMIZING NODE SELECTION WHEN HANDLING CLIENT REQUESTS FOR A DISTRIBUTED FILE SYSTEM (DFS) BASED ON A DYNAMICALLY DETERMINED PERFORMANCE INDEX

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 23, 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 Petitioner is recommended to provide a search in the class/subclass where the application has been classified in any subsequent amendments.

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" issued 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 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.

/bp/

Beatriz Prieto

Beatriz Prieto, WQAS
Technology Center 2400
Network, Multiplexing, Cable and Security

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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AUG 05 2009

OFFICE OF PETITIONS

In re Application of :
Michael Vogel et al :
Application No. 12/233,045 : ON PETITION
Filed: September 18, 2008 :
Attorney Docket No. 025714-001500US

This is a decision on the petition, filed August 4, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 8, 2009 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 2886 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/233,081	09/18/2008	Victor Ptak	STYL 0234 PUS	1466

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. 12/233,081 Filed: September 18, 2008 For: FAN SPRAY DEVICE	:	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on September 18, 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 48 - 49 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.

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.
12/233,081	09/18/2008	Victor Ptak	STYL 0234 PUS	1466

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. 12/233,081	:	DECISION ON PETITION
Filed: September 18, 2008	:	TO MAKE SPECIAL
For: FAN SPRAY DEVICE	:	

This is a decision on the Request for Reconsideration of Petition to Make Special under the Accelerated Examination Program filed on December 23, 2008 to make the above-identified application special.

The petition to make the application special is **GRANTED.**

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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P.O. BOX 3188
WEST PALM BEACH FL 33402-3188

MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of
Cossutti, et al.
Application No.: 12/233,114
Filed: September 18, 2008
Attorney Docket No.: 9526-139

ON PETITION

This is a decision on the petition under 37 CFR 1.47(a), filed May 7, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the petition fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), petitioner has failed to establish that Mr. Butz refused to join in the filing of the above-identified application.

The Office requires that the non-signing inventor be provided with a complete copy of the application as filed. This includes the specification with claims, drawings, if any, and a declaration. See MPEP 409.03(d). The Andrea Cerni's statement of facts does not establish that a complete copy of the application was presented to Mr. Butz.

Mr. Butz must have the complete application in his possession in order to make an informed decision as to whether he joins in its filing. When petitioner can show that Mr. Butz was mailed or received the complete application and that he either refused to sign the declaration or would not respond to the request that he sign the declaration within a reasonable amount of time, petitioner will have satisfied this requirement.

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 a non-signing 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 a non-signing inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

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.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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AUG 14 2009

OFFICE OF PETITIONS

In re Application of
Cossutti, et al.
Application No.: 12/233,114
Filed: September 18, 2008
Attorney Docket No.: 9526-139

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.47(a), filed July 10, 2009.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, Marc Butz, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MARC BUTZ
VIA RONCORINO 3
CH-6933 AGNUZZO
SWITZERLAND

MAILED

AUG 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Cossutti, et al.	:	LETTER
Application No.: 12/233,114	:	
Filed: September 18, 2008	:	
Attorney Docket No.: 9526-139	:	

Dear Mr. Butz:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEYS OF RECORD: AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH FL 33402-3188

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/233,116	09/18/2008	Ataru ICHIKAWA	2018-2132	1533

7590 12/15/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
12/15/2009	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:
12/15/2009 0032277639

Credit Card Refund Total: $510.00

[illegible]

Adjustment date: 12/15/2009 NFARMER
09/19/2008 INTEFSW 00301154 12233116
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

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MAY 08 2009

OFFICE OF PETITIONS

In re Application of :
Oku et al. : DECISION ON PETITION
Application No. 12/233,122 :
Filed: November 6, 2008 :
Atty Docket No. 2950-083103 :

This is in response to the "PETITION UNDER 37 CFR §1.57(A) TO ACCORD A FILING DATE" filed on November 6, 2008 requesting that the above-identified application be accorded a filing date of September 18, 2008.

Application papers in the above-identified application were deposited on September 18, 2008. However, on October 9, 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. It is noted that a filing date of November 6, 2008 was accorded based upon the date the drawing was received. Applicants request that the application be amended to include the inadvertently omitted drawing on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one claim to an article made from a particular material or composition. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Furthermore, an application including a claim for an article made from a particular material or composition will be treated similar to an application having a method or process claim see MPEP 601.01(f):

> The same practice has been followed in composition applications. Other situations in which drawings are usually not considered necessary for the understanding of the invention under 35 U.S.C. 113 (first sentence) are:
>
> (B) Articles made from a particular material or composition: where the invention consists in making an article of a particular material or composition, unless significant details of structure or arrangement are involved in the article claimed.

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 18, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to September 18, 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 November 6, 2008 will be determined by the examiner.

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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GARDNER GROFF GREENWALD &
VILLANUEVA, PC
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA GA 30339

MAILED

MAY 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Gerardo J. Ocampo	:	
Application No. 12/233,128	:	ON PETITION
Filed: September 18, 2008	:	
Attorney Docket No. 2C03.1-123	:	

This is a decision on the petition under 37 CFR 1.137(a), filed March 18, 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 nonfinal rejection mailed June 22, 2009. A Notice of Abandonment was mailed on February 3, 2010.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of an amendment/terminal disclaimer with fee; (2) the petition fee of $540.00; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

This application is being referred to Technology Center AU 2873 for appropriate action by the Examiner in the normal course of business on the reply received March 18, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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Huawei Technologies Co., Ltd.
c/o Darby & Darby P.C.
P.O. Box 770
Church Street Station
New York NY 10008-0770

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JAN 08 2010

Applicant: Wu, et al.
Appl. No.: 12/233,143
Filing Date: September 18, 2008
Title: Method For Paging And Stopping Paging To An Idle MS And A Paging Apparatus
Attorney Docket No.: 21370/0210582-US0
Pub. No.: 2009/0017845 A1
Pub. Date: January 15, 2009

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on March 16, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material error on the front page of the publication wherein some of the foreign priority claim data is not printed; to wit, the ".0" is missing from the Chinese Patent Application Number.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in the foreign priority claim on the front page of the publication is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The correct foreign priority claim is in the first line of the specification, as required by 37 CFR 1.78. The error in the foreign priority claim on the front page of the publication is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent and because the foreign priority date is not usable as a reference date.

The Declaration submitted by applicant on September 18, 2008 is defective. An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages). See MPEP 201.03(II)(B) and MPEP 605.04(a).

On October 3, 2008, a Filing Receipt was mailed by the Office, which incorrectly listed the foreign priority information. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

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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8601 GEORGIA AVE
SUITE 603
SILVER SPRING MD 20910

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OCT 06 2008

OFFICE OF PETITIONS

In re Application of	:	
Cooper C. Woodring	:	
Application No. 12/233,177	:	ON PETITION
Filed: September 18, 2008	:	
Attorney Docket No. 1542.007	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 18, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the attorney for the applicant 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 571-272-3206. 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 3636 for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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8601 GEORGIA AVE
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SILVER SPRING MD 20910

MAILED

JUL 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Cooper C. WOODRING	:	
Application No. 12/233,177	:	DECISION ON PETITION
Filed: September 18, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1542.007	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 14, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

A petition to make the instant application special under 37 CFR 1.102(c)(1) was granted in the petition decision of October 6, 2008. Accordingly, the petition is **DISMISSED AS MOOT.**

Telephone inquiries concerning this decision should be directed to David Bucci at 571-272-7099.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

David Bucci
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant	: Erik Lipson	: DECISION ON REQUEST FOR
Patent Number	: 7661945	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/233,181	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/18/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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United States Patent and Trademark Office
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Christopher M. Goff (27839)
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE
SUITE 2600
ST. LOUIS MO 63102

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Schiffer et al.	:	
Application No. 12/233190	:	
Filing or 371(c) Date: 09/18/2008	:	
Attorney Docket Number:	:	DECISION
27839-3027	:	ON PETITION

This is a decision in response to the "Petition Under 37 CFR 1.57(a)(3)," filed November 14 2008, requesting that the present application be accorded a filing date of September 18, 2008, based upon a priority or benefit claim.

The petition is granted to the extent indicated below.

Background

Application papers in the above-identified application were deposited on September 18, 2008. However, on October 3, 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 this Office accord the application as filing date based upon a priority claim to nonprovisional application no. 10/036,106. No Amendment has been filed with the petition; however, Applicant's filed a copy of prior application 10/036,106.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained composition claims. The MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition claims.

Furthermore, an application including a claim for a laminated structure will be treated similar to an application having a method or process claim. See MPEP 601.01(f):

> The same practice has been followed in composition applications. Other situations in which drawings are usually not considered necessary for the understanding of the invention under 35 U.S.C. 113 (first sentence) are: ...
>
> (C) Laminated structures : where the claimed invention involves only laminations of sheets (and coatings) of specified material unless significant details of structure or arrangement (other than the mere order of the layers) are involved in the article claims ....

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The present application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit <u>an amendment</u> 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 <u>the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121</u>. <u>See</u> MPEP § 201.17. Entry of any amendment filed will be determined by the examiner.

It is also noted that the oath/declaration filed with the present petition is not in accordance with 37 CFR 1.56. The rule requires applicants to state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be <u>material to patentability</u> as defined in § 1.56. (Emphasis supplied). The Office no longer accepts as complying with 37 CFR 1.63(b)(3) an oath or declaration that does not acknowledge the duty to disclose information material to patentability as defined in 37 CFR 1.56. <u>See</u>, 1327 OG 49 (05

Feb. 2008). A Supplemental oath/declaration in compliance with 35 U.S.C. §§ 115 and 116, and 37 CFR 1.63 is required.

Finally, Applicants have submitted a "Separate Paper Identifying Attorneys/Agents to be Designated of Record," executed by Christopher M. Goff. Applicants designate attorneys/agents associated with customer number 45736 to be of record in the present application. Alternatively, Applicants designates 13 attorneys to be of record.

The applicable rule, 37 CFR 1.31(c) states

> A power of attorney may only name as representative:
> (1) One or more joint inventors (§1.45);
> (2) Those registered patent practitioners associated with a Customer Number;
> (3) Ten or fewer patent practitioners, stating the name and registration number of each patent practitioner. Except as provided in paragraph (c)(1) or (c)(2) of this section, the Office will not recognize more than ten patent practitioners as being of record in an application or patent. If a power of attorney names more than ten patent practitioners, such power of attorney must be accompanied by a separate paper indicating which ten patent practitioners named in the power of attorney are to be recognized by the Office as being of record in the application or patent to which the power of attorney is directed.

In this instance, the Power of Attorney filed with the application on September 18, 2008, appointing the attorneys associated with customer number 45736, has been accepted by letter dated October 3, 2008. As to the alternative designation of 13 attorneys to be of record, Applicant is advised that by rule, Applicant may only name 10 or fewer practitioners. In this instance, the Office accepted the Power of Attorney filed with the application on September 18, 2008, appointing the attorneys associated with customer number 45736, and may not, by rule, accept the alternative appointment of 13 practitioners by name and registration number.

To the extent the present petition requests a filing date of September 18, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, no petition fee is due. The petition fee has been refunded to Applicant's deposit account as authorized in the present petition.

Pursuant to this decision, the application will be referred to OPAP for:

- **correction of the filing date to September 18, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were required or present on filing** and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter should be directed to Attorney Derek Woods at (571) 272-3232.

Anthony Knight
Supervisor
Office of Petitions

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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. 12/233,212
Filed: September 18, 2008
Attorney Docket No. **VFX012002900**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed January 7, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 68823 has been revoked by the applicants of the patent application on January 15, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Jeffrey Grayzel

Application No. 12233272

Filed: September 18,2008

Attorney Docket No. 129338/00046

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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Intellectual Property Group
Fredrikson & Byron, P.A.
200 South Sixth Street
Suite 400
Minneapolis, MN 55402

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In re Application of	:	
Roger D. O'Shaughnessy et al.	:	
Application No. 12/233,313	:	DECISION ON PETITION
Filed: September 18, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 44046.152.3.2	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 13, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the attorney of record on behalf of the applicant and a declaration by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 1794 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of :
Low, Huang, Mishra, Jain, Gosnell, and Bush :
Application No. 12/233,358 : DECISION REFUSING STATUS
Filed: September 18, 2008 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 18962-0195001/P6336US1 :
For: GROUP FORMATION USING ANONYMOUS BROADCAST INFORMATION

This is a decision on the petition under 37 CFR 1.47(a) filed January 2, 2009.

The petition under 37 CFR 1.47(a) is **dismissed.**

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on September 18, 2008, and was not accompanied by a properly executed oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on October 2, 2008, requiring a proper oath or declaration and allowing an extendable period for reply of two months from its mailing date. The instant petition was filed on January 2, 2009, with a request for an extension of time within the first month.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (1) as set forth above.

As to item (1), the instant petition does not detail the circumstances of the refusal of inventor Bush to join the prosecution of the application. Further to this point, Section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent part, that:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The renewed petition must be accompanied by a statement that details the circumstances of inventor Bush's alleged refusal and by any documentary evidence that supports petitioner's contention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents,
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of
Low, Huang, Mishra, Jain, Gosnell, and Bush
Application No.: 12/233,358
Filed: September 18, 2008
Attorney Docket No: **18962-0195001/P6336US1**
FOR: GROUP FORMATION USING ANONYMOUS BROADCAST INFORMATION

: DECISION NOTING JOINDER

This is in response to the correspondence filed June 11, 2009, noting the joinder of inventor Bush in the above-cited application.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The Manual of Patent Examining Procedure ("MPEP"), § 409.03(j) provides that "[i]n the event the previously non-signing inventor decides to join the application by filing an executed oath or declaration complying with 37 CFR 1.63, the oath or declaration will be placed in the application file."

Accordingly, the declaration executed by the joint inventors is noted and made of record.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions