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DON D. CHA
547 BUENA VISTA ROAD
GOLDEN CO 80401

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AUG 26 2009

OFFICE OF PETITIONS

In re Application of :
Neil Gough et al. :
Application No. 12/268,293 :
Filed: November 10, 2008 : ON PETITION
Attorney Docket No. HCF-000420US :

This is in response to the petition under 37 CFR 1.47(a) filed June 29, 2009.

The petition is **DISMISSED**.

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

Upon application, petitioners submitted the oath or declaration from parent application no. 11/912,334, deposited October 23,2007 (no filing date has been accorded and the application is abandoned as the filing requirements were not met, one of which was the submission of an executed oath or declaration). The instant application is a continuation of 11/912,334. The oath or declaration submitted from the parent application is executed by joint inventors Gough, Gil, Walker and Huffman and did not include a petition under 37 CFR 1.47(a) in the absence of a signature from joint inventor Colaneri. The instant petition however, in response to a Notice to File Missing Parts mailed December 2, 2008, and filed with a five month extension of time, seeks status under 37 CFR 1.47(a) claiming that joint inventor Colaneri refuses to execute the oath or declaration and 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.

This petition lacks compliance with item (2) and (3).

Pursuant to 37 CFR 1.63:

> (d)(1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application provided that:
>
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
>
> (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
>
> (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
>
> (iv) A copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.

Petitioners have not submitted a fully executed oath or declaration from parent application no. 11/912,334 as a fully executed oath or declaration was never filed in that application and neither was status under 37 CFR § 1.47(a) ever accorded in the prior application.

Unfortunately, status under 37 CFR 1.47(a) cannot be granted using an unexecuted oath or declaration from a prior filed application unless and of course it can be established that status under 37 CFR 1.47(a) was accorded in the prior filed application.

Furthermore, the oath or declaration submitted with the instant petition is not acceptable. As presented, joint inventors Gough, Huffman and Walker signed the declaration directed to application no. 11/912,334 and joint inventors Gough and Gil signed the declaration directed to application no. 12/268,293. The declaration directed to 12/268,293 does not provide signature blocks for joint inventors Walker, Colaneri and Huffman. As it is, the two declarations pieced together is defective and cannot be accepted.

Neither has the petition fee for a petition under 37 CFR 1.47 been submitted with the instant petition. Since no credit card was submitted and no authorizations for debiting a deposit account for any deficiencies have been granted, the required petition fees have not been paid.

Thus, a new oath or declaration in compliance with 37 CFR 1.63 and 1.64, signed by all available inventors, along with the proper petition fees is required.

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
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (517) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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DEC 03 2009

OFFICE OF PETITIONS

In re Application of :
Neil Gough et al. :
Application No. 12/268,293 :
Filed: November 10, 2008 : ON PETITION
Attorney Docket No. HCF-000420US :

This is in response to the renewed petition under 37 CFR 1.47(a) filed October 26, 2009.

The petition is **GRANTED**.

In response to a Notice to File Missing Parts mailed December 2, 2008, a petition with five month extension of time, seeking status under 37 CFR 1.47(a) and claiming that joint inventor Colaneri refused to execute the oath or declaration and to cooperate with the filing of the instant application was filed. The petition was dismissed because the oath or declaration submitted was defective, because the petition did not seek status under 37 CFR 1.47(a) for joint inventor Huffman and because the fee for a petition under 37 CFR 1.47 had not been submitted.

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.

Comes now petitioner with the instant renewed petition with a Declaration directed to the instant application and executed by joint inventors Gil, Gough and Walker. Additionally, fees have been paid and the petition bears proof that the application papers, including the oath or declaration, have been forwarded to both joint inventor Colaneri and Huffman. To date Mr. Colaneri has not responded to the attempts to have him execute the oath or declaration and Mr. Huffman has expressly refused to do so. By their actions, both joint inventors have refused 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 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 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
WASHINGTON, D.C. 20231
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Paper No. 4

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SEP 0 9 2002

OFFICE OF PETITIONS

F. Drexel Feeling, Esq.
Jones, Day, Reavis & Pogue
901 Lakeside Avenue/North Point
Cleveland, OH 44114

In re Application of :
Fischer, et al. :
Application No. 10/087,629 :
Filed: March 1, 2002 :
Attorney Docket No. 555255012294 :
For: MULTIFUNCTIONAL CHARGER SYSTEM:
AND METHOD :

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed August 5, 2002.

The petition is **GRANTED**.

Petitioner has shown that inventor Dan G. Radut has refused to join in the filing of the above-identified application after having been presented with the application papers.

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

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

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Copied from 10087629 on 03/08/2010

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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DAN G. RADUT
300 REGINA STREET, NORTH
BUILDING 1, APT. 1207
WATERLOO, ONTARIO N2J 3B8
CANADA

COPY MAILED

SEP 0 9 2002

OFFICE OF PETITIONS

In re Application of :
Fischer, et al. :
Application No. 10/087,629 : LETTER
Filed: March 1, 2002 :
Attorney Docket No. 555255012294 :
For: MULTIFUNCTIONAL CHARGER SYSTEM:
AND METHOD :

Dear Sir:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0310. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Alesia M. Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

CC: F. Drexel Feeling, Esq.
Jones, Day, Reavis & Pogue
901 Lakeside Avenue/North Point
Cleveland, OH 44114

Copied from 10087629 on 03/08/2010

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OFFICE OF PETITIONS

CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO TX 75024

In re Application of	: DECISION GRANTING PETITION
Fischer et al.	: UNDER 37 CFR 1.78(a)(3) and (a)(6) AND
Application No. 12/268,297	: REQUEST FOR CERTIFICATE OF
Filed: 11/10/2008	: CORRECTION
Attorney Docket No.	: and DECISION ON PETITION
10254-US-CNT3 4214-01508	: UNDER 37 CFR 1.47(a)

This is a decision on the petition, filed on March 19, 2010, which is treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment. This is also a decision on the petition under 37 CFR § 1.47(a) filed on November 10, 2008.

The petition under 37 CFR 1.78(a)(3) and (a)(6) is **GRANTED**.

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

Petition under 37 CFR 1.78(a)(3) and (a)(6)

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

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

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

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application(s) as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application(s) claiming the benefit of the prior-filed provisional

application(s) must have been filed within twelve months of the filing date of the prior-filed provisional application(s).

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

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

The issue fee in this case was paid on February 26, 2010. Therefore, it is conceivable that the application will issue before the priority claims can be properly entered into USPTO records for printing. In such case, submission of a certificate of correction (along with the $100 fee and the $130 processing fee) is required as a condition for granting the petition under 37 C.F.R. §§ 1.78(a)(3) and (a)(6). Receipt of the certificate of correction and required fees is acknowledged.

Petition Under 37 CFR 1.47(a)

In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed declaration filed in Application No. 10/087,629. The instant application is a continuation of Application No. 11/749,680, filed on May 16, 2007, and which issued as U.S. Patent No. 7,453,233 on November 18, 2008, which is a continuation of Application No. 11/175,885, filed on July 6, 2005, which issued as U.S. Patent No. 7,239,111, on July 3, 2007, which is a continuation of Application No. 10/087,629, filed on March 1, 2002, and which issued as U.S. Patent No. 6,936,936, on August 30, 2005. Furthermore, a copy of the decision, mailed on September 9, 2002, granting a petition to accord § 1.47(a) status in prior Application No. 10/087,629 has been placed in the file of the present application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status.

As no petition is necessary to accord Rule 1.47(a) status in this application, the petition is **dismissed as moot**. No petition fee is necessary and none has been charged.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this continuation application.

The application is referred to Technology Center 2858 for further processing.

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

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
12/268,297	11/10/2008	2858	1662	10254-US-CNT3 4214-01508	21	3

CONFIRMATION NO. 7944

CORRECTED FILING RECEIPT

30652
CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO, TX 75024

OC000000040749225

Date Mailed: 03/31/2010

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

Applicant(s)

Daniel M. FISCHER, Waterloo, CANADA;
Dan G. RADUT, Waterloo, CANADA;
Michael F. HABICHER, Cambridge, CANADA;
Quang A. LUONG, Kitchener, CANADA;
Jonathan T. MALTON, Kitchener, CANADA;

Assignment For Published Patent Application

RESEARCH IN MOTION LIMITED, Waterloo, ON, CANADA

Power of Attorney:

Albert Metrailer--27145
Kristin Harkins--37859
Rodney Carroll--39624
Michael Piper--39800
Joseph Brown Jr--45438
Shannon Bates--47412
Grant Rodolph--50487

Domestic Priority data as claimed by applicant

This application is a CON of 11/749,680 05/16/2007 PAT 7,453,233
which is a CON of 11/175,885 07/06/2005 PAT 7,239,111
which is a CON of 10/087,629 03/01/2002 PAT 6,936,936
which claims benefit of 60/273,021 03/01/2001
and claims benefit of 60/330,486 10/23/2001

Foreign Applications

If Required, Foreign Filing License Granted: 11/21/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/268,297**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

SYSTEM AND METHOD FOR CHARGING A BATTERY IN A MOBILE DEVICE

Preliminary Class

320

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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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco CA 94111-3834

In re Application of Robert E. Reiter Application No.: 12/268,302 Filing Date: November 10, 2008 Attorney Docket No.: 02307K-167830US For: N-CADHERIN: TARGET FOR CANCER DIAGNOSIS AND THERAPY	:	DECISION ON PETITION

This decision is in response to applicants' "Petition to accept unintentionally delayed claim under 37 CFR 1.78(a)(6)" filed February 22, 2010, treated herein as a petition to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional and international applications set forth in the application data sheet filed concurrently with the instant petition. Because the application claims priority to a prior filed provisional application, the petition is being 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 the prior-filed provisional application.

The petitions are **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

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

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

> the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR §§1.78(a)(3) and 1.78(a)(6) in that (1) a proper reference to the prior-filed applications has been included in an application data sheet, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) applicant's statement that "the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the filing of this petition and the present request was unintentional" is construed as meaning that "the entire delay between the date the claim was due under 37 CFR 1.78(a)(3) and 1.78(a)(6) and the date the claim was filed was unintentional." If this is incorrect, petitioner must immediately notify the Office of PCT Legal Administration. As construed, petitioner's statement satisfied item (3) above. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that any Filing Receipt 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 applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Anthony Smith, Attorney Advisor, at (571) 272-3298. 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 1646 for appropriate action on the application data sheet filed February 22, 2010, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 119(e) to the prior-filed applications.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON MA 02110

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AUG 25 2009

OFFICE OF PETITIONS

In re Application of	:
Peter Axilrod et al.	:
Application No. 12/268,308	: DECISION REFUSING STATUS
Filed: November 10, 2008	: UNDER 37 CFR 1.47(a)
Attorney Docket No. DTC-002USDV1	:

This decision is in response to the petition filed under 37 CFR 1.47(a) on June 29, 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**. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on November 10, 2008, without an executed oath or declaration. Accordingly, on November 28, 2008, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, *inter alia*, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing.

In response, the instant petition, a five month extension of time request and a declaration executed by all joint inventors except Peter Axilrod, Ben MacDonald, Stewart MacBeth, Tim A. Smith, Lawrence Waller, David Halliden and Brian Turkfeld and with claims that each of them refuses to cooperated with the filing of the instant application. Further, the petition argues that Garth Baker-Goldie is not in fact an inventor.

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

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

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

(3) the petition fee;

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

The petition lacks item (1) and(2). In regards to item (1), petitioners have not submitted sufficient evidence to prove that a copy of the application was sent or given to non-signing inventor Tim A. Smith. The petition cites the correspondences that were sent to all of the other joint inventors but there is no mention of whether or not a complete copy of the application in the instant matter was ever sent to Mr. Smith and further whether a copy of the application was received by Mr. Smith for his review. Also, as noted by petitioner, 37 CFR 1.47 is not an appropriate remedy for an inventor that may be unavailable as is the case with joint inventor Axilrod who has been hospitalized.

Petitioners must show proof that a copy of the application (specification including claims, drawings, if any, and the Declaration) was 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 as it relates to joint inventor Smith.

Petitioners must also present proof that if after having received the complete application, the non-signing inventor refuses 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.

Furthermore, the oath or declaration submitted with the instant petition is not acceptable. As presented, there is no signature block provided for joint inventor Ben Macdonald. Also, the oath or declaration provided, and signed for by the available inventors, is directed to application no. 12/300,036 and not the instant application.

Thus, a new oath or declaration in compliance with 37 CFR 1.63 and 1.64 is required.

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

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[1] MPEP 409.03(d).

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ONE INTERNATIONAL PLACE
BOSTON MA 02110

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JAN 21 2010

OFFICE OF PETITIONS

In re Application of
Peter Axilrod et al.
Application No. 12/268,308
Filed: November 10, 2008
Attorney Docket No. DTC-002USDV1

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

This decision is in response to the request for reconsideration filed under 37 CFR 1.47(a)[1] on December 21, 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**. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

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The petition was dismissed in a decision mailed August 25, 2009 because petitioners had not submitted sufficient evidence to prove that a copy of the application was sent or given to non-signing inventors Tim A. Smith and Peter Axilrod. Additionally, the signature block for joint inventor Ben MacDonald was missing from the declaration.

Comes now petitioner with the instant request for reconsideration and proof that the application papers were sent to non-signing inventor Smith. Included with the petition is also the declaration from parent application no. 12/300,036 now signed by joint inventors Peter Axilrod and Stewart MacBeth, previously indicated non-signing inventor. As well, the declaration also includes a signature block for non-signing inventor Ben MacDonald.

The petition however still lacks compliance with item (2).

The oath or declaration provided, and signed for by the available inventors, is directed to application no. 12/300,036 and not the instant application.

Pursuant to 37 CFR 1.63:

> (d)(1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application provided that:
>
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
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> (iv) A copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.

Petitioners have not submitted a fully executed oath or declaration from parent application no. 12/300,036 as a fully executed oath or declaration was never filed in that application and neither was status under 37 CFR § 1.47(a) ever accorded in the prior application.

Unfortunately, status under 37 CFR 1.47(a) cannot be granted using an unexecuted oath or declaration from a prior filed application unless and of course it can be established that status under 37 CFR 1.47(a) was accorded in the prior filed application.

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ONE INTERNATIONAL PLACE
BOSTON MA 02110

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AUG 25 2009

OFFICE OF PETITIONS

In re Application of	:
Peter Axilrod et al.	:
Application No. 12/268,329	: DECISION REFUSING STATUS
Filed: November 10, 2008	: UNDER 37 CFR 1.47(a)
Attorney Docket No. DTC-002USDV2	:

This decision is in response to the petition filed under 37 CFR 1.47(a) on June 29, 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**. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

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JAN 21 2010

OFFICE OF PETITIONS

In re Application of
Peter Axilrod et al.
Application No. 12/268,329
Filed: November 10, 2008
Attorney Docket No. DTC-002USDV2

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

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WASHINGTON, DC 20231
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Katherine White
Townsend and Townsend and Crew, LLP
2 Embarcaero Center
Eight Floor
San Francisco, CA 94111-3834

MAILED

MAR 3 0 2009

TECHNOLOGY CENTER 2100

In re Application of: GORDON, Michael M. et. al.
Serial No.: **12/268,350**
Filed: November 10, 2008
Docket: 040152-003710US
For: END TO END DATA TRANSFER

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 November 10, 2008 to make the above-identified application s special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

II. Conditions Regarding the Petition:
The petition must:
1. be filed with the application;

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

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.
The preexamination search must:
5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.
An accelerated examination support document must include:
6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

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

Regarding to the requirement of MPEP 708.02(a)(I)(2-3) and item II 6.3 above, the AESD requires a detailed explanation of how each of the claims are patentable with the particularity required by 37

CFR 1.111(b) and (c). Namely, point out the specific *distinctions* believed to render the claims, patentable over any applied references.

The AESD's "Statement of Patentability" is not clear as to how each of the claims and their respective limitations are patentable over the references cited. A general allegation that the claims define a patentable invention ***without specifically pointing out*** how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. *See* 37 CFR §1.111(b).

For example: The applicant asserts that "Stolorz does not disclose determining a subset of sources including one or more eligible clients. In fact, Stolorz does not disclose sourcing content from a client by any means." (*see* AESD pg 37), because Stolorz solely discloses content sourced from a traditional server (see AESD pg 6). The applicant provides the mapping of claim 1 on pages 2-3 and re-affirms that Stolorz only lacks the disclosure of using client as sources for the content. The applicant asserts that reference, Van Datta discloses the idea of having the source of content include clients. *See* AESD pg 32-33. Then, the 9(C) Detailed Explanation of Patentability section, a broad assertion that none of the references are combinable.

The broad assertion that the references are non-combinable does provide sufficient explanation as to why the specific teachings of certain limitations of some of the references would not be obvious to be combined with the broad teaching of other references. For example, why is it not obvious that using clients as content sources taught by Van Datta is not combinable with the content delivery system in Stolorz.

Hence, the provided statement of patentability fails to provide sufficient explanation pointing out what specific claim limitations that are not taught by the prior art with the particularity required by 37 CFR § 1.111 (b) and (c). Correction/clarification is required.

Regarding the requirement of MPEP 708.02(a) (I)(5) and item II 6.5, the Accelerated Examination Support Document (AESD) fails to provide showing of where each limitation of each claim finds support under 35 USC 112, first paragraph, in the written description of the specification. Particularly, if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in **each such application** in which such support exists.

In this case, instant application claims priority to patent application 12/265,647 and Provisional Patent Application No. 60/985,590 (*See* Spec. pg 1), but failed to provide §112 first paragraph support of each limitation of the claim to the priority documents. *See* AESD, filed Nov. 10, 2008, pg 38-41. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no

extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/kb/

Beatriz Prieto

Beatriz Prieto, WQAS
Technology Center 2400
Network, Multiplexing, Cable and Security

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.
12/268,350	11/10/2008	Michael M. Gordon	040152-003710US	8038

20350 7590 03/30/2009
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
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SAN FRANCISCO, CA 94111-3834

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
03/30/2009	PAPER

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/268,350	11/10/2008	Michael M. Gordon	040152-003710US	8038

20350 7590 05/20/2009
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MAY 18 2009

TECHNOLOGY CENTER 2100

William J. Daley
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In re Application of: GORDON, Michael M., et. al.
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Filed: November 10, 2008
Atty Docket No.: 040152-003710US
For: END TO END DATA TRANSFER

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

This is a decision on the renewed petition filed on April 30, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on November 10, 2008 was dismissed in the decision mailed on March 30, 2009.

The petition to make the application special is **GRANTED** as the new Accelerated Examination Support Document filed April 30, 2009 meets the requirements of conditions II 6.3 and 6.5.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323) as the original identified deficiencies for failing to comply with the requirements for the pre-examination search encompassing 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), and a showing of where each limitation of the claims finds 35 USC 112, first paragraph support to the priority application, when performing a complete search have been corrected..

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed 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.

/pl/

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Networking, Multiplexing, Cable and Security

UNITED STATES PATENT AND TRADEMARK OFFICE

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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

COPY MAILED
JAN 11 2010

In re Application of	:	
Eric James Devroe et al.	:	
Application No. 12/268,406	:	DECISION ON PETITION
Filed: November 10, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 26139-14953	:	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 **DISMISSED**.

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

A grantable petition to make an application special under 37 CFR 1.102(c)(2) and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

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

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

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

The petition lacks items 4, 5 and 9.

In regard to item 4, the instant petition fails to state the basis for the special status (i.e., whether (1) development of renewable energy resources or energy conservation, or (2) greenhouse gas reduction).

In regard to item 5, as stated in section III of the Notice, applicant must provide such a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

In regard to item 9, as set forth in the Requirement section of the Notice, the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d). The publication fee ($300) was not included and no authorization was given for charging this fee.

For the above reasons, 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 Carl Friedman at 571-272-6842.

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 1638 for action in its regular turn.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/268,406	11/10/2008	Eric James Devroe	26139-14953	8183

758 7590 03/17/2010
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER
KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
03/17/2010	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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MAR 1 7 2010

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

In re Application of	:	
Eric, DEVROE et al.	:	DECISION ON PETITION
Application No.12/268406	:	TO MAKE SPECIAL UNDER
Filed: November 10, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 26139-14953	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 27th, 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 Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1638 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

1 9 DEC 2008

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Dorsey & Whitney LLP
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498

In re Application of	:	
QIN, Wexlin	:	
U.S. Application No.: 12/268,532	:	DECISION ON PETITIONS
Receipt Date: November 11, 2008	:	
Attorney Docket No.: 190882/US	:	
For: USE OF DKK-1 PROTEIN IN THE CANCER DIAGNOSIS	:	

This decision is issued in response to the "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed November 11, 2008.

BACKGROUND

On March 13, 2006, applicant filed international application PCT/CN2006/000382. and it designated the United States. On September 20, 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., September 13, 2008.

A request for entry into the U.S. national stage (with payment of the basic national fee) was not submitted on or prior September 13, 2008. Accordingly, international application PCT/CN2006/000382 became abandoned with respect to the United States at midnight on September 13, 2008 (see 35 U.S.C. 371(d); 37 CFR 1.495(h)).

On November 11, 2008, applicant filed the present U.S. non-provisional application under 35 U.S.C. 111(a), which is identified in the first sentence of the description as "a continuation of international application PCT/CN2006/000382 filed March 13, 2006." The submission was accompanied by the petition for revival of international application PCT/CN2006/000382 considered herein.

DISCUSSION

The present petition was accompanied by the required petition fee, and the petition includes a statement that "the entire delay in filing the required reply from the due date

for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirements of 37 CFR 1.137(b)(3).

In addition, the first sentence of the description filed herein includes a reference identifying the present application as a continuation of PCT/CN2006/000382. The filing of a continuation application under 35 U.S.C. 111(a) is accepted as the "required reply" under 37 CFR 1.137(b) (see MPEP section 711.03(c)(II)(A)).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the international application as to the United States is appropriately granted.

International application PCT/CN2006/000382 is being revived for purposes of continuity only, and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 12/268,532.

CONCLUSION

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

International application PCT/CN2006/000382 is revived for purposes of continuity only, and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application.

This application is being referred to the Office of Initial Patent Examination (OIPE) for further processing in accordance with this decision.

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

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/268,562	11/11/2008	Ho-Cheol Kim	ARC920080035US1	8483

76301 7590 01/02/2009
Leander F. Aulisio
320 23rd Street S. #705
Arlington, VA 22202

EXAMINER

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
01/02/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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CST

1-2-09

In re application of Ho-Cheol Kim et al Serial No. 12/268,562 Filed: November 11, 2008 For: METHOD OF POSITIONING PATTERNS FROM BLOCK COPOLYMER SELF-ASSEMBLY	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on November 11, 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 427/subclasses 97.1, 97.3, 97.4, 97.5, 97.6, 98.4, 99.4, 265 and 385.5 is also required.

With respect to the references discussed in the Accelerated Examination Support Document (AESD) on pages 2-5, while petitioner discusses the cited references in detail, petitioner has failed to identify where each and every limitation of the claims are disclosed in the cited references. Applicant is required to show how the cited references correspond to the present claims, for example by mapping each and every claim limitation to the corresponding teaching in the cited reference, especially as the language of the present claims appears to differ from that set forth in the prior art.

Similarly, petitioner has not provided a detailed explanation of how claim 1 is patentable over the references cited with particularity. It appears that the detailed explanation of patentability given on page 5 of the AESD generally states that the references cited fail to teach the features of claim 1.

Applicant has submitted 3 Information Disclosure Statements: (1) filed on November 11, 2008 (states IDS for AESD); (2) filed on November 11, 2008 (labeled Secondary IDS) and (3) filed December 16, 2008 (labeled Supplement to Secondary IDS). It is noted that the references listed in IDS (1) were each discussed in the AESD, and that only 1 of the references listed in IDS (3) were discussed (US patent 6,893,705 to Thomas et al). So, in the AESD, applicant has failed to discuss the references listed in IDS (2) and the remaining references listed in IDS (3). It is unclear whether IDS (2) and IDS (3) are in support of the AESD. Note the question below which is taken from the Frequently Asked Questions concerning the Accelerated Examination Program posted on www.uspto.gov. Specifically, applicant should clearly identify the separate IDS that is not in support of the petition. Note also that US patent 6,893,705 to Thomas et al, which is discussed in the AESD, is not listed in IDS (1).

IDS 3. Will the Office accept an accelerated examination support document (AESD) that contains a list of references in the information disclosure statement (IDS) of the AESD, but does not include any identification and explanation for those references that are not required to be submitted in the IDS of the AESD (*i.e.*, references that are not most closely related to the subject matter of each of the claims)?

No, the AESD will be deemed insufficient for lack of identification and explanation. The applicant will be notified of the defects and the application will remain in the status of a new application awaiting action in its regular turn. The applicant will be given a time period of one month, without any extension of time under 37 CFR §1.136(a), to perfect the petition.

If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD.

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.
12/268,562	11/11/2008	Ho-Cheol Kim	ARC920080035US1	8483

76301 7590 02/13/2009
Leander F. Aulisio
320 23rd Street S. #705
Arlington, VA 22202

EXAMINER

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
02/13/2009	PAPER

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

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

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CST

2-13-09

In re application of Ho-Cheol Kim et al Serial No. 12/268,562 Filed: November 11, 2008 For: METHOD OF POSITIONING PATTERNS FROM BLOCK COPOLYMER SELF-ASSEMBLY	:	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the Request for Reconsideration of Petition to Make Special under the Accelerated Examination Program filed on January 28, 2009 to make the above-identified application special.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES CA 90010

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Wonwoo Lee	:	
Application No. 12/268,568	:	ON PETITION
Filed: November 11, 2008	:	
Attorney Docket No. 2609.01	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 2, 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's attorney that he is 65 years of age, and is also accompanied with a copy of applicant's California driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. 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 further processing in accordance with this decision on petition.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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JAN 21 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

AKERMAN SENTERFITT
222 LAKEVIEW AVENUE, 4TH FLOOR
WEST PALM BEACH FL 33401

In re Application of:
MURALIDHARAN, GOVINDARAJAN, et al.
Serial No.: 12/268,657
Filed: November 11, 2008

Title: **REMOTE SHOCK SENSING AND NOTIFICATION SYSTEM**

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

This is a decision on the petition filed on November 11, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(c).

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

REGULATION AND PRACTICE

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

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

Applicant should note that a petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in MPEP 708.02(a).

Furthermore, as published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323) and in accordance with the MPEP 708.02(a) VIII(C) Conditions for Examination, the following conditions must also be satisfied:

C. Conditions for Examination
The application must be in condition for examination at the time of filing. This means the application must include the following:
(1) Basic filing fee, search fee, and examination fee, under 37 CFR 1.16 (see MPEP § 607 subsection I);
(2) Application size fee under 37 CFR 1.16(s) (if the specification and drawings exceed 100 sheets of paper) (see MPEP § 607 subsection II);
(3) An executed oath or declaration in compliance with 37 CFR 1.63;
(4) A specification (in compliance with 37 CFR 1.52) containing a description (37 CFR 1.71) and claims in compliance with 37 CFR 1.75;
(5) A title and an abstract in compliance with 37 CFR 1.72;
(6) Drawings in compliance with 37 CFR 1.84;
(7) Electronic submissions of sequence listings in compliance with 37 CFR 1.821(c) or (e), large tables, or computer listings in compliance with 37 CFR 1.96, submitted via the USPTO's electronic filing system (EFS) in ASCII text as part of an associated file (if applicable);
(8) Foreign priority claim under 35 U.S.C. 119(a)-(d) identified in the executed oath or declaration or an application data sheet (if applicable);
(9) Domestic benefit claims under 35 U.S.C. 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78 (e.g., the specific reference to the prior application must be submitted in the first sentence(s) of the specification or in an application data sheet, and for any benefit claim to a non-English language provisional application, the application must include a statement that (a) an English language translation, and (b) a statement that the translation is accurate, have been filed in the provisional application) (if applicable);
(10) English language translation under 37 CFR 1.52(d), a statement that the translation is accurate, and the processing fee under 37 CFR 1.17(i) (if the specification is in a non-English language);
(11) No preliminary amendments present on the filing date of the application; and
(12) No petition under 37 CFR 1.47 for a non-signing inventor.

A review of the contents of the file indicates a preliminary amendment was filed on November 11, 2008 the same day as the filing date of the application.

Therefore, the petition is denied because the application was not in condition for examination at the time of filing as per item 3 and section MPEP 708.02(a) VIII(C) (11) above. After the application is considered complete by the Office of Initial Patent Examination (OIPE), it will be taken up by the examiner for action in its regular turn.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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WILMERHALE/BOSTON
60 STATE STREET
BOSTON MA 02109

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JUN 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Rosenthal, Perry	:	
Application No. 12/268,665	:	ON PETITION
Filed: November 11, 2008	:	
Attorney Docket No. 0290905.00127US1	:	

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. 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 2783 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

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DEC 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Satyender Mahajan et al.	:	
Application No. 12/268,677	:	DECISION ON PETITION
Filed: November 11, 2008	:	TO WITHDRAW
Attorney Docket No. 2004854-0018	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 27, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that John D. Lanza and attorneys/agents associated with customer number 24280: (1) do not have power of attorney in this patent application; and (2) have been employed or otherwise engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will be directed to the address below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Satayan Mahajan
Motus Corporation
585 Massachutes Avenue, 4th Floor
Cambridge, MA 02139

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MAY 04 2010

OFFICE OF PETITIONS

RATNER PRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

Applicant: Marion Merkel et al.
Appl. No.: 12/268,702
Filing Date: November 11, 2008
Title: SUBTILISIN FROM BACILLUS PUMILUS AND DETERGENT AND CLEANING AGENTS CONTAINING SAID NOVEL SUBTILISIN
Attorney Docket: HNKL-117US
Pub. No.: US 2009/0170745 A1
Pub. Date: July 2, 2009

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

The request is DISMISSED.

Applicant requests that the application be republished because claim 17 contains a typographical error, wherein "950%" was printed instead of "95%" as set forth in the original disclosure.

From the signature on the request, it is not clear which individual is signing the request for corrected publication. See 37 CFR 1.34. The decision below is provided as a courtesy.

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

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b). The published claim 17 recites the phrase "a polynucleotide comprising at least 950%", instead of "a polynucleotide comprising at least 95%". However, the specification, at numerous pages, recites the correct phrase "a polynucleotide comprising at least 95%." While the claim erroneously presents the incorrect percent, the specification has 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).

correct percent, thus one of ordinary skill in the art would clearly understand the nature of the typographical error and would not be misled as to the scope of the claim. This error therefore does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

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

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

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

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WALL & TONG, LLP/
ALCATEL-LUCENT USA INC.
595 SHREWSBURY AVENUE
SHREWSBURY, NJ 07702

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JUN 1 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Christopher R. Doerr	:	
Application No.: 12/268,705	:	ON PETITION
Filed: November 11, 2008	:	
Attorney Docket No.: LCNT/129854	:	

This is a decision on the petition, filed June 11, 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 May 14, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2874 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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HC PARK & ASSOCIATES PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA VA 22182

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MAY 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Kim, et al.	:	
Application No. 12/268,733	:	DECISION ACCORDING STATUS
Filed: April 23, 2009	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. P2538US00	:	

This is in response to the petition under 37 CFR 1.47(a), filed February 9, 2009, and re-submitted on April 23, 2009.

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

Rule 47 applicant has shown that inventor Shin has refused to join in the signing of the application. In particular, petitioner has included a statement from Hoe-Jin Wang, who has attested that Shin made an oral refusal to sign the declaration, In addition, petitioner states that a copy of the application papers was mailed to Shin on January 8, 2009. However, as of the filing date of the petition, no executed declaration from Shine 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 in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Group Art Unit 1795 for docketing and examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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SEONG-SIK SHIN
11656 CEDAR SPRING CT
CUPERTINO CA 95014

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MAY 27 2009

OFFICE OF PETITIONS

In re Application of
Kim, et al.
Application No. 12/268,733
Filed: November 11, 2008
Title: Electrophoretic Particles, Method of Preparing the Same, and Electrophoretic Display Using the Same

LETTER

Dear Mr. Shin:

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
WASHINGTON, DC 20231
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MAIL

MAR 30 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Suiter Swantz pc llo
14301 FNB Parkway, Suite 220
Omaha NE 68154

In re Application of: Yolanda et al.
Application No. 12/268,763
Filed: November 11, 2008
Docket: AUS920080641US1
For: **METHOD FOR DEFINING TELEVISION CONTENT LINEUP**

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

This is a decision on the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02 (VIII): filed November 11, 2008.

The petition is **GRANTED.**

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

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

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

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

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in

agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Christopher Grant, Quality Assurance Specialist, at (571) 272-7294. A second point of Contact is Chau Nguyen at (571)-272-3126.

/Christopher Grant/

Christopher Grant
Quality Assurance Specialist
Technology Center 2400
Networking, Multiplexing, Cable and Security

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OPPENHEIMER WOLFF & DONNELLY LLP
45 SOUTH SEVENTH STREET, SUITE 3300
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of :
Craig K. Potts et al. :
Application No. 12/268,857 :
Filed: November 11, 2008 :
Attorney Docket No. 22281-306 :

NOTICE

This is a notice regarding your request filed April 24, 2009, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

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AT&T LEGAL DEPARTMENT – BHGL
ATTN: PATENT DOCKETING ROOM 2A-207
ONE AT&T WAY
BEDMINSTER, NJ 07921

MAILED

DEC 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Raymond Walden Bennett III et al	:	
Application No. 12/268,880	:	DECISION ON PETITION
Filed: November 11, 2008	:	TO WITHDRAW
Attorney Docket No. 8285-981	:	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 5, 2009.

The request is **APPROVED**.

The request was signed by Scott W. Brim on behalf of the practitioners who are associated with Customer No. 83808.

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 or the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Raymond Walden Bennett III
26 North Webster Street
Naperville, IL 60540

cc: Scott W. Brim
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/268,880	11/11/2008	Raymond Walden Bennett III	8285-981

CONFIRMATION NO. 9140

POWER OF ATTORNEY NOTICE

83808
AT & T Legal Department - BHGL
Attn: Patent Docketing Room 2A-207
One AT&T Way
Bedminster, NJ 07921

OC000000039075519

Date Mailed: 12/07/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2009.

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

/idingle/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/268,880	11/11/2008	Raymond Walden Bennett III	8285-981

CONFIRMATION NO. 9140

POA ACCEPTANCE LETTER

Raymond Walden Bennett III
26 North Webster Street
Naperville, IL 60540

OC000000039075550

Date Mailed: 12/07/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2009.

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.

/idingle/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/268,903	11/11/2008	Uwe Brandt	DE920080102US1 (3058)	9178

78290 7590 06/11/2009
Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402-1609

EXAMINER
ELLIS, KEVIN L

ART UNIT	PAPER NUMBER
2117	

MAIL DATE	DELIVERY MODE
06/11/2009	PAPER

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

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

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06/11/09

OPPENHEIMER, WOLFF & DONNELLY LLP
PLAZA VII, SUITE 3300
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-1609

In re Application of: Iam Spect BRANDT, et al. Serial No.: 12/268,903 Filed: November 11, 2008 Docket: DE920080102US1 (3058) Title: TEST INTERFACE FOR MEMORY ELEMENTS	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 November 11, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the

time of filing. The mailing of a Notice to File Missing Parts (Oath or Declaration missing and insufficient Fees) on November 19, 2008 is evidence that the application was not complete and in condition for examination at the time of filing.

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

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

Brian Johnson
Quality Assurance Specialist
Technology Center 2100

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

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DEC 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Lauth et al.	:	DECISION ON PETITION
Application No. 12/268,964	:	TO WITHDRAW
Filed: November 11, 2008	:	FROM RECORD
Attorney Docket No. 616912000110	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 16, 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 James J. Mullen, III on behalf of all attorneys of record, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with same Customer Number.

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

Currently, there is an outstanding Office action mailed September 2, 2009 that requires a reply.

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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12531 HIGH BLUFF DRIVE
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SANDIEGO, CA 92130-2040

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APR 12 2010

OFFICE OF PETITIONS

In re Application of
Xavier Lauth et al.
Application No. 12/268,964
Filed: November 11, 2008
Attorney Docket No. **616912000110**

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 December 22, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 25225 has been revoked by the applicants of the patent application on January 11, 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: Joseph R. Baker, APC
Gavrilovich, Dodd & Lindsey LLP
4660 La Jolla Village Drive, Suite 750
San Diego CA 92122

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

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APR 27 2009

OFFICE OF PETITIONS

In re Application of

Huafeng WEN
Application No. 12/269,022
Filed: November 11, 2008
Attorney Docket No. **71784.04101.CON3**

DECISION ON PETITION TO WITHDRAW FROM RECORD

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

The request is **APPROVED**.

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

The request was signed by Martin R. Bader on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest ALIGN TECHNOLOGY, INC. at the address below until otherwise properly notified by the applicant.

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

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

cc: **ALIGN TECHNOLOGY, INC.**
881 MARTIN AVENUE
SANTA CLARA, CA 95050

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

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FEB 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Barry M. **SHERMAN** et al.	:	
Application No. 12/269,024	:	DECISION ON PETITION
Filed: November 11, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **28825-742.201**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 23, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the declaration of inventor Barry Sherman, 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.

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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SOROKER-AGMON ADVOCATE
AND PATENT ATTORNEYS
NOLTON HOUSE, 14 SHENKAR STREET
HERZELIYA PITUACH 46725 IL
ISRAEL

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DEC 0 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Johnathan EREZ, et al	:	
Application No. 12/269,061	:	DECISION ON PETITION
Filed: November 12, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 5377/1.1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 12, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of Applicant Arez Aryeh passport. 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.

All other inquires concerning the "special" status should be directed to the Office of Patent Application Processing at 571-272-4000.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/269,067	11/12/2008	Andrzej BERNAL	ABER-00101-UUS	9534

33794 7590 04/17/2009
MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

EXAMINER

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
04/17/2009	ELECTRONIC

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

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

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

USPTORECEIPT@GMAIL.COM
IPRECEIPT@GMAIL.COM

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MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

In re Application of: Andrzej BERNAL Serial No.: 12/269,067 Filed: November 12, 2008 Title: **METHOD FOR PROVIDING TRANSLATION SERVICES**	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 November 12, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2 and 5.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following classes/ subclasses: 379/88.05, 88.06; and 704/2.

The database search should also include the following terms: translating, translates, translated , language selection, "selecting a language" and "selecting English or...".

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5.2 and 5.3 above, and the Preexamination Search Document must be amended or supplemented to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended or supplemented to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Doris To, Quality Assurance Specialist, at (571) 272-7629.

__/Doris To/_____
Doris To
Quality Assurance Specialist
Technology Center 2600

PATENT

IN THE UNITED STATES PATENTS AND TRADEMARK OFFICE

In re Application of: Andrzej BERNAL	Atty Docket No. ABER-00101-UUS
US Serial No.: 12/269,067	Art Unit: 2617
Confirmation No.: 9534	Examiner: BOST, DWAYNE D
Filing Date: 11/12/2008	Paper Type: Request for Reconsideration of Decision on Petition to Make Special
For: METHOD FOR PROVIDING TRANSLATION SERVICES	Date transmitted: 05/17/09

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

By EFS-Web Only

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via EFS-Web on **17 MAY 2009**.

/Sophie Chen/

SOPHIE CHEN

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

SIR:

On November 12, 2008, Applicant filed a petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). On April 17, 2009, the Office dismissed the petition because it allegedly failed to comply with conditions set forth in 71 Fed. Reg. 36323, Part I, Section 8, Subsections (B) and (C), in that the US field of search and database searches which are to be provided under 71 Fed. Reg. 36323, Part I, Section 8, Subsection (A) were not sufficient.

Applicant has now conducted an updated preexamination search which includes searching classes/subclasses: 379/88.05, 88.06, and 704/2 and includes searching the following terms: translating, translates, translated, language selection, "selecting a language" and "selecting English or…" Applicant submits herewith an amended Preexamination Search Document, an amended Accelerated Examination Support Document, and a new information disclosure statement to cite newly found prior art.

In light thereof, Applicant respectfully requests reconsideration.

Respectfully Submitted,

Customer Number: **33,794**

/Matthias Scholl/

Dr. Matthias Scholl, Esq.
Reg. No. 54,947
Attorney of Record

Date: May 17, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/269,067	11/12/2008	Andrzej BERNAL	ABER-00101-UUS	9534

33794 7590 05/26/2009
MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
05/26/2009	ELECTRONIC

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

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

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

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IPRECEIPT@GMAIL.COM

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MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

In re Application of: BERNAL, ANDRZEJ Serial No.: 12/269,067 Filed: November 12, 2008 Title: **METHOD FOR PROVIDING TRANSLATION SERVICES**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration filed May 17, 2009, which is responsive to the petition decision mailed April 17, 2009. The request for reconsideration filed May 17, 2009 is considered together with the original petition filed November 12, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

PERTINENT BACKGROUND INFORMATION

The petition decision mailed April 17, 2009 set forth that the originally filed petition failed to comply with conditions set forth under section II. items 5.2, and5.3.

The Pre-Examination Search Document filed May 17, 2009 has been amended to reflect that the required updated searches were conducted. Therefore, the new IDS taken together with the amended Pre-Examination Search Document and petitioner's remarks, are deemed to meet the requirements of items 5. through 5.3.

However, the petition decision mailed April 17, 2009 also requires:

> "If any request for reconsideration is filed, an updated preexamination search must be conducted as per item 5.1 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the **Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.**"

In reviewing the petitioner's Amended Acceleration Examination Support Document filed May 17, 2009, parts 9(A) - 9(D), the petitioner failed to include discussion of any newly found prior art cited in the new Information Disclosure Statement filed May 17, 2009. For these reasons, the Amended Accelerated Examination Support Document is deemed insufficient in addressing the requirement above.

DECISION

Accordingly, the petition taken together with the request for reconsideration and the Amended Acceleration Support Document 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 Doris To, Quality Assurance Specialist, at (571) 272-7629.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/269,089	11/12/2008	Shuji MIZUTANI	MNL-2018-2184	9562

7590 07/23/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
07/23/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell
Patent Publication Branch
Office of Data Management

Adjustment date: 07/23/2009 BPOWELL
11/12/2008 INTEFSW 00012942 12269089
02 FC:1111 -540.00 OP

Adjustment date: 07/23/2009 BPOWELL
11/12/2008 INTEFSW 00012942 12269089
02 FC:1111 -540.00 OP

FORM PET651G (Rev. 08/07)

Refund Ref:
07/23/2009 0030072557

Credit Card Refund Total: $540.00

Ax Exp..: XXXXXXXXXXX2021

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/269,095	11/12/2008	Masakazu Koyanagi	450100-4405.2	9572

20999 7590 09/25/2009
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER
BANKS HAROLD, MARSHA DENISE

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
09/25/2009	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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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of	:	
KOYANAGI, MASAKAZU, et al.	:	DECISION ON REQUEST TO
Application No. 12/269,095	:	PARTICIPATE IN PATENT
Filed: November 12, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 450100-4405.2	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 7, 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

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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.
12/269,210	11/12/2008	Jung-Min Kim	61724/L550	9823

7590 07/09/2010
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
PATEL, NIMESHKUMAR D

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
07/09/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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PEPPER HAMILTON LLP
500 GRANT STREET
ONE MELLON CENTER, 50TH FLOOR
PITTSBURGH, PA 15219

MAILED

APR 16 2010

OFFICE OF PETITIONS

In re Application of	:	
David L. Sanders	:	
Application No. 12/269,235	:	DECISION GRANTING PETITION
Filed: November 12, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 133663.02301	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 15, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 3, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2839 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/269,249	11/12/2008	Peter Baechtold	CH920080014US1	9902

78675 7590 02/04/2009
DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER

ART UNIT	PAPER NUMBER
2856	

NOTIFICATION DATE	DELIVERY MODE
02/04/2009	ELECTRONIC

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

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

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

ptonotifs@yeeiplaw.com

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

In re Application of: Peter Baechtold et al. Serial No.: 12/269,249 Filed: November 12, 2008 Attorney Docket No.: CH920080014US1 Title: FEEDBACK- ENHANCED THERMO-ELECTRIC TOPOGRAPHY SENSING	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 November 12, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02(a).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any 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; and

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

The pre-examination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

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

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

Regarding the conditions set forth in II.5 above, the field of search should properly include Class 73, subclass 105 and Class 374, subclass 124, to cover the broad subject matter being claimed.

Regarding the condition set forth in II.6.5 above, the examination support document supplied by the petitioner does not specifically show where each limitation of the claim finds support under 35 USC 112, first paragraph, in the written description of the specification. For example, the support document indicates that support for the step of "applying a bias voltage across the thermal sensor" may be found in paragraph [0042] and reference numeral 720. However, there is no step 720 of "applying a bias voltage across the thermal sensor" recited in paragraph [0042]. Rather the step 720 of applying a bias voltage across the thermal sensor is recited in paragraph [0045]. Similarly, the step 730 of "identifying a resistance change of the thermal sensor" is recited in paragraph [0046] and not paragraph [0043], and the step 740 of "modulating the bias voltage based on the resistance change to enhance a bandwidth and a sensitivity of the thermal sensor" is recited in paragraph [0047] and not paragraph [0044]. Note also that support for the step of "modulating the bias voltage based on the resistance change to enhance a bandwidth and a sensitivity of the thermal sensor" appears to be rather limited in paragraph [0047]. A more complete showing of support under 35 USC 112, first paragraph, for the step of "modulating the bias voltage based on the resistance change to enhance a bandwidth and a sensitivity of the thermal sensor" would refer to paragraphs [0037] and [0038]. Appropriate correction is required.

Accordingly, the petition does not meet conditions II.5 and II.6.5 for the reason cited above.

DECISION

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

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

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal

of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1594.

Clayton E. LaBalle, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

CL/JC

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/269,249	11/12/2008	Peter Baechtold	CH920080014US1	9902

78675 7590 04/15/2009
DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER

ART UNIT	PAPER NUMBER
2856	

NOTIFICATION DATE	DELIVERY MODE
04/15/2009	ELECTRONIC

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

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

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

ptonotifs@yeeiplaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

In re Application of: BAECHTOLD *et al.* Serial No.: 12/269,249 Filed: November 12, 2008 Title: **MAPPING TEMPERATURES IN A FACILITY**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This decision on the documents filed March 04, 2009. The documents have been treated as a petition requesting reconsideration of the previous decision of February 04, 2009, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed November 12, 2008.

The petition to make the application special is GRANTED.

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

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

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

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

3. Office action:

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1594.

Clayton E. LaBalle

Clayton E. LaBalle, T-QAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/269,312	11/12/2008	Jung-Min Kim	61723/L550	1034

7590 07/09/2010
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
SANTIAGO, MARICELI

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
07/09/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 07/09/2010 BPOWELL
[illegible] INTERSW [illegible]
[illegible] 540.00 CR
[illegible] [illegible]

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/269,410	11/12/2008	Naoyuki Abe	IIW-074	1238

959 7590 06/28/2010
LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
06/28/2010	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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LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

In re Application of:	DECISION ON REQUEST TO
ABE, NAOYUKI et al	PARTICIPATE IN PATENT
Serial No.: 12/269,410	PROSECUTION HIGHWAY
Filed: Nov. 12, 2008	(PPH) AND PETITION TO
Docket: IIW-074	MAKE SPECIAL UNDER 37
Title: VEHICLE BATTERY COOLING DEVIC	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 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.

The request to participate in the PPH program and petition met all conditions except Items #1 and #6 above. The request to participate in the PPH program and petition fail to validly make foreign priority claim. The applicant declaration filed on November 12, 2008 fails to make any foreign priority claim for JPO applications, No. 293,738 and 293,740. The request to participate in the PPH program and petition also fails to include an IDS listing and a copy of the JPO cited references, namely, JP-2007-252609.

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

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.
12/269,410	11/12/2008	Naoyuki Abe	IIW-074	1238

959 7590 07/13/2010
LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
07/13/2010	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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LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

In re Application of: ABE, NAOYUKI et al Serial No.: 12269410 Filed: November 12, 2008 Docket: IIW-074 Title: VEHICLE BATTERY COOLING DEVICE	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 8, 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 Frantz Jules, the SPE of Art Unit 3744, and 571-272-4965 for Class 165/104.310 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/269,452	11/12/2008	Colleen A. O'BRIEN	10031.005000	1328

74254 7590 02/19/2010
Okamoto & Benedicto LLP
P.O. Box 641330
San Jose, CA 95164-1330

EXAMINER
DAM, DUSTIN Q

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
02/19/2010	PAPER

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

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

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Okamoto & Benedicto LLP
P.O. Box 641330
San Jose CA 95164-1330

FEB 19 2010

In re Application of	:	
O'Brien	:	DECISION ON PETITION
Application No. 12/269,452	:	TO MAKE SPECIAL UNDER
Filed: 11/12/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **10031.005000**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 2/8/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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Alexandria, VA 22313-1450
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CARR LLP (IST)
670 Founders Square
900 Jackson Street
Dallas, TX 75202

COPY MAILED

NOV 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Dennis Colleran	:	
Application No. 12/269,550	:	DECISION ON PETITION
Filed: November 12, 2008	:	TO WITHDRAW
Attorney Docket No. 299570-00003-6	:	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 29, 2009.

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

A review of the file record indicates that the power of attorney to Carr LLP (IST) has been revoked by the assignee of the patent application on October 19, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MIDDLETON & REUTLINGER**
2500 Brown & Williamson Tower
Louisville, KY 40202

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WASHINGTON, DC 20231
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FEB 23 2009

TECHNOLOGY CENTER 2100

Teresa M. Arroyo
Saidman DesignLaw Group
8601 Georgia Avenue
Suite 603
Silver Spring, MD 20910

In re Application of: KODUKULA, Sivarama K., et. al.
Serial No.: **12/269,557**
Filed: November 12, 2008
Docket: 1773.005
For: ENERGY EFFICIENT ETHERNET VIA DYNAMIC ADAPTER DRIVER LINK SPPED NEGOTIATION

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 November 12, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

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

3. Office action:

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

4. Time for Reply:

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

5. Reply by Applicant:

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

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

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

6. Information Disclosure Statement (IDS):

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

7. Post-Allowance Processing:

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

8. After-Final and Appeal Procedures:

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

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

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

9. Proceedings Outside the Normal Examination Process:

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

10. Final Disposition:

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

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

Any inquiry regarding this decision should be directed to Kim Huynh at (571)-272-4147.

/kb/

Beatrice Prieto for

Kim Huynh, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/269,557	11/12/2008	Sivarama K. Kodukula	1773.005	1540

81628 7590 02/23/2009
Saidman DesignLaw Group
8601 Georgia Avenue
Suite 603
Silver Spring, MD 20910

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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SAIDMAN DESIGNLAW GROUP
8601 GEORGIA AVENUE, SUITE 603
SILVER SPRING, MD 20910

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Sivarama K. KODUKULA, et al	:	
Application No. 12/269,557	:	DECISION ON PETITION
Filed: November 12, 2008	:	TO WITHDRAW
Attorney Docket No. 1773.005	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 21, 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).

Teresa M. Arroyo has been withdrawn as attorney of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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James J. DeCarlo
Yahoo! Inc. C/O Greenberg Traurig, LLP
Met Life Building
200 Park Avenue,
New York, New York 10166

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FEB 11 2009

TECHNOLOGY CENTER 2100

In re Application of:
Wang
Serial No.: 12/269,578
Filed: November 12, 2008
Docket: 085804.096301
For: **System and Method for Combating Phishing**

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 November 12, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it is a utility application filed under 37 CFR 1.111(a) and was not complete. The Notice of omitted item(s) in a non provisional application was mailed on November 20, 2008 and the response to this notice fixing the issue is evidence that the application was not complete and in condition for examination at the time of filing.

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3612. If attempts to reach the undersigned are unsuccessful, Kim Huynh., Quality Assurance Specialist can be reached at (571) 272-4147.

/Tod Swann/
Quality Assurance Specialist
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/269,578	11/12/2008	Tak Yin Wang	085804.096301	1584

76058 7590 02/11/2009
YAHOO! INC. C/O GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK, NY 10166

EXAMINER
MOAZZAMI, NASSER G

ART UNIT	PAPER NUMBER
2436	

MAIL DATE	DELIVERY MODE
02/11/2009	PAPER

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

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

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THADDEUS GABARA
62 BURLINGTON ROAD
MURRAY HILL, NJ 07974

MAILED

JUL 02 2010

OFFICE OF PETITIONS

In re Application of :
Turgut Aytur et al :
Application No. 12/269,594 :
Filed: November 12, 2008 :
Attorney Docket No. Wionics006

NOTICE

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**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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HARMAN-BRINKS HOFER CHICAGO
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

MAILED

JUL 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Gerhard Uwe Schmidt, et al.	:	
Application No. 12/269,605	:	DECISION ON PETITION
Filed: November 12, 2008	:	TO WITHDRAW
Attorney Docket No. 11336/1961 (P08022US)	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

The request was signed by John F. Nothery 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: **Gerhard Uwe Schmidt**
Harthauser Strasse 37
Ulm, 89081
Germany

cc: **Robert P. Hart**
Harman International Industries, Inc.
8500 Balboa Boulevard
Northridge, CA 91329

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/269,605	11/12/2008	Gerhard Uwe Schmidt	11336/1961 (P08022US)

CONFIRMATION NO. 1641

POWER OF ATTORNEY NOTICE

OC000000037132300

81166
HARMAN - BRINKS HOFER CHICAGO
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

Date Mailed: 07/29/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/15/2009.

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

/tswilliams/

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

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SEAN D. BURDICK
21372 AVENIDA MANANTIAL
LAKE FOREST, CA 92630

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NOV 19 2009

OFFICE OF PETITIONS

In re Application of
Robert P. BONO
Application No. 12/269,641
Filed: November 12, 2008
Attorney Docket No. **RB-02**

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 24, 2009.

The request is **APPROVED**.

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

The request was signed by Sean D. Burdick on behalf of all attorneys of record who are associated with customer No. 54788. All attorneys/agents associated with the Customer Number 54788 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the sole named signing inventor at the address below until otherwise properly notified by the applicant.

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

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

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

cc: **ROBERT P. BONO**
34032 GRANADA DRIVE
DANA POINT, CA 92629

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THOMAS KAYDEN HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

MAILED

JUL 02 2010

OFFICE OF PETITIONS

In re Application of :
Turgut Aytur et al :
Application No. 12/269,643 :
Filed: November 12, 2008 :
Attorney Docket No. 252326-1180

NOTICE

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**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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HANCOCK HUGHEY LLP
P.O. BOX 1208
SISTERS OR 97759

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APR 20 2009

OFFICE OF PETITIONS

In re Application of
Russell Monk et al.
Application No. 12/269,658
Filed: November 12, 2008
Attorney Docket No. 1268-010/ddh

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

This is in response to the petition filed November 12, 2008 under 37 CFR 1.47(a).

The petition is **DISMISSED**.

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

The above-identified application was filed on November 12, 2008 with an oath or declaration signed by all joint inventors except Russell Monk and with the instant petition seeking status under 37 CFR 1.47(a), claiming that by his actions, Mr. Monk has refused to sign the oath or declaration and 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 or the legal representative in this case 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 or the legal representative in this case.

The petition lacks item (2) under 37 CFR 1.47(a).

The declaration is signed by joint inventors Wurtz and Schrader individually and on their own behalf and signed by joint inventor Schrader on behalf of joint inventor Monk.

Petitioner is advised that the signature block for a non-signing inventor can be left blank or it can be signed by all joint inventors on behalf of the non-signing inventor. In this case since only joint inventor Schrader has signed on behalf of non-signing inventor Russell Monk, the declaration is defective and therefore unacceptable.

A new oath or declaration in compliance with 37 CFR 1.63 and 1.64, containing the information described in this paragraph, is required.

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

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MAY 22 2009

OFFICE OF PETITIONS

In re Application of
Russell Monk et al.
Application No. 12/269,658
Filed: November 12, 2008
Attorney Docket No. 1268-010/ddh

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the request for reconsideration filed April 27, 2009 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on November 12, 2008 with an oath or declaration signed by all joint inventors except Russell Monk and with a petition seeking status under 37 CFR 1.47(a), claiming that by his actions, Mr. Monk refused to sign the oath or declaration and to cooperate with the filing of the instant application. The declaration included with the petition was signed by joint inventors Wurtz and Schrader individually and on their own behalf and signed by joint inventor Schrader on behalf of joint inventor Monk. Petitioner was advised that since the declaration was only signed by joint inventor Schrader for joint inventor Monk and not also by joint inventor Wurtz, that the declaration was defective and therefore unacceptable. The petition was therefore dismissed in a decision mailed April 20, 2009.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor or the legal representative in this case 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 or the legal representative in this case.

In response to the decision dismissing the petition filed November 12, 2008, comes now petitioner with an oath or declaration signed by all joint inventors in their own stead and on behalf of joint inventor Monk.

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.

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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RUSSELL MONK
220 CULVER LANE SOUTH
SALEM, OR 97302

COPY MAILED

MAY 22 2009

OFFICE OF PETITIONS

In re Application of
Russell Monk et al.
Application No. 12/269,658
Filed: November 12, 2008
For: **Hearing Protection Device Ear Seal With Acoustic Barrier**

Dear Mr. Monk:

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:

HANCOCK HUGHEY LLP
P.O. BOX 1208
SISTERS OR 97759

UNITED STATES PATENT AND TRADEMARK OFFICE

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FROM DIRECTOR'S OFFICE

FEB 11 2009

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YAHOO! INC. C/O GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK, NY 10166

In re application of Ahanger et al. Application No. 12/269,702 Filed: November 12, 2008	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

For: SYSTEM AND METHOD FOR INTEGRATED ADVERTISEMENT MANAGEMENT

This is a decision on the petition filed on November 12, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). This is also in response to the supplemental Examination Support Document that was filed on December 30, 2008, where an additional prior art reference has been addressed and cited in an additional IDS.

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any 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 is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

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

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

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

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

REVIEW OF FACTS

The petition in this case fails to comply with condition I.3. At the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. At the time of filing, the application was not in condition for examination due to the fact that applicant had to file a preliminary amendment to make the application ready for examination and compliant with the rules for accelerated examination cases. This is not considered to be in compliance with condition I.3.

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure. Given the above failure of conformance, which cannot now be remedied, the petition is denied.

If applicant elects to file again, the following issues should also be addressed:

The petition in this case fails to comply with conditions II.5.2, II.6.3, and II.6.5.

As per condition II.5.2, the pre-examination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims their broadest reasonable interpretation.

With respect to condition II.5.2, the searches are found to be too narrowly constructed and are not focusing on searching what appears to be the main concept that is claimed, in a manner that is commensurate with the scope of the claims (broadest reasonable interpretation). It does not appear that the applicant is using sufficient synonyms in the search. As an example, applicant has searched the terms "advertisement" or "advertis$5". Applicant did not use other terms that also relate to advertisements, such as ad or psa or public service announcement or announcement or billboard or infomercial or commercial or banner. These are all synonyms that relate to the concept of an advertisement and their use is suggested. With respect to the claimed "managing" of advertisements, this is disclosed as essentially being the allocation or distribution of the advertisements. Applicant has used the terms "management" and "allocate$4" in the EAST search, but did not use terms such as distribute or disseminate or transmit or send, that are also terms that describe the managing

of advertisements. The use of these synonyms is suggested. With respect to the fact that the invention is directed to an "inventory" of advertisements, it is noted that applicant has used the term "inventory" but has not used terms such as stock or moveables or a merchandise list. These are terms that are discussed in common definitions for what an "inventory" is, and their use is suggested. With respect to a media player and the concept of "serving" an advertisement, applicant has used the term "serving" in many of the search strings. What appears to be meant by "serving" is the playing or running of the advertisement in a media player, such as Quicktime or itunes (both trademarks). The terms "play" and "run" are suggested for use.

It is noted that the specification discloses the following on page 9:

"media player 315 comprises one of the following: the Windows Media Player manufactured by the Microsoft Corporation of Redmond, Washington, iTunes or QuickTime manufactured by Apple Computer, Inc. of Cupertino, California, RealPlayer® manufactured by RealNetworks, Inc. of Seattle, Washington, or Macromedia Flash Player manufactured by Adobe Systems Incorporated of San Jose, California. In other embodiments, the media player 315 includes any custom, proprietary, open source, shareware, freeware or any other type of.."

It is suggested that these specific examples of actual media players be considered for searching in conjunction with terms that relate to the playing or running of advertisements. This is so that the search is searching for these well known media players that are disclosed as being in the scope of the term "media player". With respect to searching for an integrated ad manager, applicant has searched for "iam" and "integrated advertisement management" This appears to be too narrow of an approach to this term and what it represents. The "iam" is disclosed in the specification as being a "plug-in" or an "add-in" or an "api". It is suggested that a search string be used that more fully searches the scope of this term and the term itself. For example, the following is suggested:

"iam or (integrat$ with (ad or advertis$) with manage$) or plug adj1 in or plugin or plug-in or add adj1 in or add-in or api".

This allows for the full scope of this limitation to be searched (broadest reasonable interpretation). With respect to the concept of "dynamic" that is recited in dependent claim 33, it is noted that the term "dynamic" has been searched but it does not appear that the term "real time" has been searched, which has been claimed. Searching for "real time or real-time" is suggested. The use of wildcard endings such as "$" in EAST that allows for all endings of a given term to be searched is suggested for use by applicant. Examples that are suggested for use that relate to some of the suggested synonyms are "advertis$ or announc$ or manag$ or allocat$ or distribut$ or disseminat$ or transmit$ or send$ or play$ or serv$ or run$, etc..

To ensure that the search better focuses on the overall concept claimed, a recommended search might be executed in all databases of East with the following search queries:

L1: (ad or advertis$ or (service adj1 announcement) or psa or announc$ or billboard or banner or infomercial or commercial) same (manag$ or allocat$ or distribut$ or disseminat$ or transmit$ or send$) same (inventory or stock) and ((media or content) with (play$ or serv$3 or run$)) same (ad or advertis$ or (service adj1 announcement) or psa or announc$ or billboard or banner or infomercial or commercial)

Please keep in mind that these are non-limiting search suggestions and they are only meant to serve as a possible starting point for Applicant's preexamination search. Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following web site: http://www.uspto.gov/web/patents/accelerated/ Applicant is expected to perform more supplemental searches than the sample search queries listed above.

With respect to the Dialog NPL search and the other searches, the comments offered with respect to the EAST search should be taken into consideration as well. For the Dialog search, applicant has not used sufficient synonyms in the search and there does not appear to have been any use of wildcard endings such as the "?" in dialog. This directly relates to the comments regarding the use of "$" in EAST. It is suggested that the Dialog search use more synonyms and employ the use of "?". It is noted that the specification appears to disclose some prior art commercial advertisement management systems such as the "DoubleClick DART" or "Atlas AdManager", and possibly a system made by "Lightningcast". It appears that these advertisement management systems should be searched for as well. These appear to be well known prior art advertisement management systems that have not been searched for, and they most likely should have been found in an NPL search due to them being well known. It is suggested that the NPL search take into account disclosed and known prior art advertisement management systems.

As per condition II.6.3, the pre-examination search document must include a detailed explanation of patentability for the claims that addresses the claimed limitations in both terms of anticipation and in terms of obviousness. The detailed explanation must include whether or not the dependent claims are separately patentable beyond what is recited in the independent claims.

With respect to the arguments for patentability, it is noted that applicant has argued that the limitation of the IAM being implemented with a media player application on a processor contributes to the patentability of claim 26. This was stated with respect to all cited references. With respect to the Siann and Dewhurst prior art references, the applicant has stated that this limitation is taught in the prior art. On one hand applicant states that this feature is known in two of the cited references, but applicant also generically includes this limitation in the argument for patentability over all cited references. This point of argument should be clarified because applicant is arguing a limitation for patentability that is admitted by the applicant as being taught in the prior art. Also, with respect to this limitation being taught in the prior art, what about the obviousness of providing this feature to the other references? Because of the fact that applicant has stated that the feature of having the IAM in a media player is taught in two of the prior art references, applicant should consider addressing this with regards to obviousness, as condition II.6.3 requires. Also, with respect to the references that do teach this feature, applicant should reconsider or clarify their arguments so they agree with what applicant has stated that the prior art discloses.

With respect to the dependent claims, applicant has stated that dependent claims 27-29 and 35 are also allowable over the cited references for "at least" the reasons addressed with respect to claim 26. Claims 30-34 are not addressed at all, although it appears that these claims are taught by the prior art. For claims 27-29, and 35, if applicant feels that the claims are patentable beyond that which is recited in the independent claim 26, then a detailed explanation is required. If any of the various claims are not viewed as being patentable beyond what is recited in claim 26, than a statement to that affect is required; otherwise, the claims must have a detailed explanation as required by condition II.6.3.

As per condition II.6.5, applicant must show where written support under 112,1st paragraph is found in the specification and in any applications where a claim of priority is made. In the instant application, a 35 USC 120 priority claim is made to 12/195,219. No showing has been made where support for what is claimed can be found in parent application 12/195,219. Only the instant specification and the provisional application have been addressed.

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

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

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633; Michelle Tarae, Business Practice Specialist, at 571-272-6727; or Dennis Ruhl, Primary Examiner, at 571-272-6808.

Michelle Tarae for

Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/DR/02/10/09

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OFFICE OF PETITIONS

PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES, CA 90010

In re Application of	:	
Joe U. NOH	:	
Application No. 12/269,773	:	DECISION ON PETITION
Filed: November 12, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 2599.01	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 29, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a photocopy of the applicant's driver license. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being returned to Technology Center Art Unit 1794 for action on the merits commensurate with this decision.

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

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MCLEAN VA 22102-3833

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OFFICE OF PETITIONS

In re Application of
Gilon et al.
Application No. 12/269,785
Filed: November 12, 2008
Attorney Docket No. T4339-14408US01

DECISION GRANTING PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed April 3, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/987,132, filed November 12, 2007, as set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

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

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

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional application as required by 37 1.78(a)(5)(iii). Additionally, the instant nonprovisional application was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/987,132, which was filed on November 12, 2007, for which priority is claimed.

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

1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the above-noted, prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Any other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 3749 for appropriate action on the amendment submitted April 3, 2009, including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed provisional Application No. 60/987,132.

Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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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
12/269,785	11/12/2008	3749	527	T4339-14408US01	20	3

CONFIRMATION NO. 1958

CORRECTED FILING RECEIPT

181
MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

OC000000036213499

Date Mailed: 05/29/2009

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)

Yoel GILON, Jerusalem, ISRAEL;
Israel KROIZER, Jerusalem, ISRAEL;

Assignment For Published Patent Application

LUZ IL LTD., Jerusalem, ISRAEL

Power of Attorney: The patent practitioners associated with Customer Number 00181

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/987,132 11/12/2007

Foreign Applications

If Required, Foreign Filing License Granted: 11/24/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/269,785**

Projected Publication Date: 09/03/2009

Non-Publication Request: No

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

Title

METHOD AND CONTROL SYSTEM FOR OPERATING A SOLAR POWER TOWER SYSTEM

Preliminary Class

126

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/269,785	11/12/2008	Yoel GILON	T4339-14408US01	1958

181 7590 03/08/2010
MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

ART UNIT	PAPER NUMBER
3749	

NOTIFICATION DATE	DELIVERY MODE
03/08/2010	ELECTRONIC

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

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

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

ipdocketing@milesstockbridge.com
sstiles@milesstockbridge.com

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In re Application of	:	
GILON, YOEL et al	:	DECISION ON PETITION
Application No. 12/269,785	:	TO MAKE SPECIAL UNDER
Filed: Nov. 12, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. T4339-14408US01	:	PILOT PROGRAM
Title: METHOD AND CONTROL SYSTEM FOR OPERATING A SOLAR POWER TOWER SYSTEM		

This is a decision on the petition under 37 CFR 1.102, filed February 24, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

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

Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-3468

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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OFFICE OF PETITIONS

In re Application of	:	
Yoel Gilon, et al.	:	
Application No. 12/269,793	:	DECISION ON PETITION
Filed: November 12, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. T4339-14409US01	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed April 3, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

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

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

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3643 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/269,793	11/12/2008	3623	527	T4339-14409US01	20	2

CONFIRMATION NO. 1972

CORRECTED FILING RECEIPT

181
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SUITE 500
MCLEAN, VA 22102-3833

OC000000036718682

Date Mailed: 07/01/2009

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)

Yoel Gilon, Jerusalem, ISRAEL;
Gil Kroyzer, Jerusalem, ISRAEL;
Rotem Hayut, Jerusalem, ISRAEL;

Assignment For Published Patent Application

Luz II Ltd., Jerusalem, ISRAEL

Power of Attorney: The patent practitioners associated with Customer Number 00181

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/987,133 11/12/2007

Foreign Applications

If Required, Foreign Filing License Granted: 03/09/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/269,793**

Projected Publication Date: 10/08/2009

Non-Publication Request: No

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

Title

SOLAR RECEIVER WITH ENERGY FLUX MEASUREMENT AND CONTROL

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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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).

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/269,793	11/12/2008	Yoel Gilon	T4339-14409US01	1972

181 7590 06/24/2010
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MCLEAN, VA 22102-3833

EXAMINER
JACKSON, ERNEST ADEYEMI

ART UNIT	PAPER NUMBER
3623	

NOTIFICATION DATE	DELIVERY MODE
06/24/2010	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):

ipdocketing@milesstockbridge.com
sstiles@milesstockbridge.com

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JUN 23 2010

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In re Application of	:	
Yoel GILON et al.	:	DECISION ON PETITION
Application No. 12/269,793	:	TO MAKE SPECIAL UNDER
Filed: 11/12/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **T4339-14409US01**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed May 28, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3623 for action on the merits commensurate with this decision.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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Palo Alto, CA 94304-1050

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FEB 11 2009

OFFICE OF PETITIONS

In re Application of
Barry M. Sherman et al.
Application No. 12/269,833
Filed: November 12, 2008
Attorney Docket No. 28825-760.201

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 January 23, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by applicant Barry M. Sherman. 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 1646 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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HARMAN-BRINKS HOFER CHICAGO
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

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JUL 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Tobias Herbig, et al.	:	
Application No. 12/269,837	:	DECISION ON PETITION
Filed: November 12, 2008	:	TO WITHDRAW
Attorney Docket No. 11336/1962 (P08034US	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

The request was signed by James A. Collins 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: **Tobias Herbig**
Traminerweg 40
Ulm, 89075
Germany

cc: **Robert P. Hart, Esq.**
Harman International Industries, Inc.
8500 Balboa Boulevard
Northridge, CA 91329

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/269,837	11/12/2008	Tobias Herbig	11336/1962 (P08034US)

CONFIRMATION NO. 1081

POWER OF ATTORNEY NOTICE

81166
HARMAN - BRINKS HOFER CHICAGO
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

OC000000037136073

Date Mailed: 07/29/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/15/2009.

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

/tswilliams/

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

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INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA CA 90404

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OFFICE OF PETITIONS

In re Application of	:	
W. Jean Dodds, et al.	:	
Application No. 12/269,866	:	DECISION ON PETITION
Filed: November 12, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 058034-012100	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 12, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from applicant W. Jean Dodds representative that he is in possession of proof of applicant's age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 1641 for action on the merits commensurate with this decision.

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

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

MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas P. Taylor et al.	:	
Application No. 12/269,922	:	DECISION ON PETITION
Filed: November 13, 2008	:	TO WITHDRAW
Attorney Docket No. 21801.33	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

A review of the file record indicates that Dustin T. Johnson and attorneys/agents associated with customer number 27683: (1) do not have power of attorney in this patent application; and (2) have been employed or otherwise engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will remain the same until notified by the applicant.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/269,968	11/13/2008	Leo E. MANZER	1015-A.01	1337

73747 7590 02/16/2010
Range Fuels, Inc.
Attn: Ryan O'Connor
11101 West 120th Ave. Suite 200
Broomfield, CO 80021

EXAMINER

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
02/16/2010	ELECTRONIC

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

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

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

IP@RangeFuels.com
RyanO@rangefuels.com

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Alexandria, VA 22313-1450
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Range Fuels, Inc.
Attn: Ryan O'Connor
11101 West 120th Ave. Suite 200
Broomfield CO 80021

FEB 16 2010

In re Application of	:	
Manzer et al.	:	DECISION ON PETITION
Application No. 12/269,968	:	TO MAKE SPECIAL UNDER
Filed: 11/13/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **1015-A.01**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/22/2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

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

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

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

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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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.
12/270,017	11/13/2008	Leo E. MANZER	1015-B.01	1425

73747 7590 02/16/2010
Range Fuels, Inc.
Attn: Ryan O'Connor
11101 West 120th Ave. Suite 200
Broomfield, CO 80021

EXAMINER
NECKEL, ALEXA DOROSHENK

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
02/16/2010	ELECTRONIC

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

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

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

IP@RangeFuels.com
RyanO@rangefuels.com

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Range Fuels, Inc.
Attn: Ryan O'Connor
11101 West 120th Ave. Suite 200
Broomfield CO 80021

FEB 16 2010

In re Application of	:	
Manzer et al.	:	DECISION ON PETITION
Application No. 12/270,017	:	TO MAKE SPECIAL UNDER
Filed: 11/13/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **1015-B.01**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/22/2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

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

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

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

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

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

The petition lacks item(s) 1.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 48/062.00R) 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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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO CA 94108

COPY MAILED
FEB 02 2010

In re Application of	:	
James William GISH, et al	:	
Application No. 12/270,024	:	DECISION ON PETITION
Filed: November 13, 2008	:	
Attorney Docket No. ORACL-02292US1	:	

This is a decision on the petition under 37 CFR 1.182, filed October 29, 2009, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

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

This application is being referred to Technology Center AU 2441 for examination in due course.

Telephone inquiries regarding this decision should be directed to Diane C. Goodwyn at (571) 272- 6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/270,024	11/13/2008	2441	1090	ORACL-02292US1	20	3

CONFIRMATION NO. 1439

CORRECTED FILING RECEIPT

80548
FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

OC000000039796991

Date Mailed: 01/22/2010

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

Applicant(s)

James William Gish, Sudbury, MA;
Akbar Ali Ansari, Nashua, NH;

Assignment For Published Patent Application

BEA SYSTEMS, INC., REDWOOD SHORES, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/988,377 11/15/2007

Foreign Applications

If Required, Foreign Filing License Granted: 11/22/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/270,024**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SYSTEM AND METHOD FOR STARTING SERVER SERVICES

Preliminary Class

709

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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100 CORSON STREET, THIRD FLOOR
PASADENA CA 91103-3842

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JAN 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Claudio MARINO, et al	:	
Application No. 12/270,091	:	DECISION ON PETITION
Filed: November 13, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 18954-1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 7, 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 by the Applicant Howard Richmond. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquires should be directed to the Office of Patent Application Processing at 571-272-4000.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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JUN 23 2009

OFFICE OF PETITIONS

PATENT LAW PROFESSIONALS
P.O. BOX 612407
SAN JOSE, CA 95161

In re Application of
Christian Pennec
Application No. 12/270,158
Filed: November 13, 2008
Attorney Docket No. 56398-3900

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 20, 2009.

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

A review of the file record indicates that the power of attorney to William E. Winters and attorneys associated with customer no. 63409, have been revoked by the assignee of the patent application on March 24, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

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OFFICE OF PETITIONS

LAWRENCE CRUZ
CONAIR CORPORATION
ONE CUMMINGS POINT ROAD
STAMFORD, CT 06902

In re Application of	:	
Vito James CARLUCCI	:	
Application No. 12/270,264	:	DECISION ON PETITION
Filed: November 13, 2008	:	
Attorney Docket No. 1375/U	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed November 25, 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 January 26, 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 declaration and the required fee; (2) the petition fee of $1620; and (3) the required statement of unintentional delay.

The Power of Attorney filed October 2, 2009, has been accepted and recorded.

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

All other inquires should be directed to the Office of Data Management at (571) 272-4000.

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

/Diane C. Goodwyn/
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/270,264	11/13/2008	VITO JAMES CARLUCCI	1375/U

CONFIRMATION NO. 1834

POA ACCEPTANCE LETTER

47545
Lawrence Cruz
Conair Corporation
One Cummings Point Road
STAMFORD, CT 06902

OC000000038966755

Date Mailed: 11/25/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/02/2009.

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

/dcgoodwyn/

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

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MAY 11 2010

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

In re Application of	:	
MATSUI, TAKURO et. al.	:	DECISION ON REQUEST TO
Application No. 12/270,336	:	PARTICIPATE IN PATENT
Filed: November 13, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 061352-0208	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 5, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

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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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6th Floor
HOUSTON TX 77070

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JUN 03 2009

OFFICE OF PETITIONS

In re Application of :
Nimri, Duys, Howell, Jacobsen, Kew, Leitermann, Morris, :
Collins, Poteraki, Urban, and Schaefer :
Application No.: 12/270,338 : DECISION ACCORDING
Filed: November 13, 2008 : RULE 47(a) STATUS
Attorney Docket No: 199-0537US
Invention: GROUP TABLE TOP VIEDEOCONFERENCING DEVICE

This is in response to the petition under 37 CFR 1.47(a), filed February 9, 2009.

The petition is **GRANTED**.

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

The above-cited application was filed on November 13, 2008, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on January 21, 2009, allowing a shortened period for reply of two months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). The notice required a proper oath or declaration to be filed and payment of a surcharge along with other items. The instant petition was filed on February 9, 2009.

Petitioner has shown that legal heir of deceased inventor Kew 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.

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

SUBSTITUTE SPECIFICATION

A SEMICONDUCTOR DEVICE

CROSS-REFERENCE TO RELATED APPLICATION

This application is a continuation of U.S. Appln. Ser. No. 11/925,106, filed October 26, 2007, which, in turn, is a now, U.S. Patent No. 7,466,599, continuation of U.S. Appln. Ser. No. 11/206,968, filed August 19, 2005 (now USP 7,313,026), and, which application claims priority from Japanese patent application No. 2004-261751 filed on September 09, 2004, the contents of which are hereby incorporated by reference into this application.

BACKGROUND OF THE INVENTION

The present invention relates to a semiconductor device and manufacturing technology thereof, in particular, to a technology effective when applied to a semiconductor device having a non-volatile memory such as electric erasable programmable read only memory (which will hereinafter be called "flash memory", simply).

In Japanese Unexamined Patent Publication No. 2001-185633 (Patent Document 1), disclosed is an EEPROM device fabricated on a single conductive layer formed on a semiconductor substrate, while being insulated via an insulation layer; wherein the EEPROM device is a single level poly EEPROM device whose area per bit can be reduced.

In Japanese Unexamined Patent Publication No.

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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FEB 0 2 2010

OFFICE OF PETITIONS

David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
1 Becton Drive
MC 110
Franklin Lakes NJ 07417-1880

In re Application of	:	
Ahern et al.	:	DECISION REFUSING STATUS
Application No. 12/270,399	:	UNDER 37 CFR 1.47(a)
Filed: November 13, 2008	:	
Attorney Docket No. P-3806C1	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 24, 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 items (1) and (2).

As to item (1), the applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate that a diligent effort was made to find or locate non-signing inventor Richard R. Steiner, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

To date, petitioner has shown that an effort was made to find this inventor through an email, several unsuccessful mailings, and contact with two co-inventors. Although this effort was

helpful, it did not constitute a diligent effort. The evidence filed in support of the petition does not establish that the address to which the mailings were sent was the correct addresses for the inventor. In particular, the record does not show that there was a diligent effort to search for possible changes in the inventor's location. The record does shows that attempts were made to contact the inventor via email, UPS Overnight courier to the last known address, and communication with two co-inventors regarding a current mailing address.

Petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to the non-signing inventors' personnel records and, if so, what does inspection of the records reveal as to a forwarding address, an address of the nearest living relative, or the address of an emergency contact who may be helpful in locating the inventor? What does inspection of the phone directories for those address locations reveal? Furthermore, none of the mailed correspondences requested a forwarding address. Petitioner should mail correspondence to the inventor's last known address, forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to inventor Ahern's forwarding address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If all other attempts to locate or reach the inventor, e.g., through personnel records, former 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. Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

As to item (2), the declaration lacks compliance with 37 CFR 1.63(a)(2) in that the declaration identifies each of the seven inventors as the "first" inventor and was signed by each inventor on separate sheets of paper. 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."

The declaration does not indicate that the individuals signing are joint inventors with the other inventors. Accordingly, a new declaration which lists all the inventors and is signed such that each inventor clearly recognizes the contributions of his or her co-inventors is required.

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 should be directed to the undersigned at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
12/270,410	11/13/2008	Ajay Gummalla	20784-0010001	2086

20985 7590 12/10/2009
FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
OWENS, DOUGLAS W

ART UNIT	PAPER NUMBER
2821	

NOTIFICATION DATE	DELIVERY MODE
12/10/2009	ELECTRONIC

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

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

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

PATDOCTC@fr.com

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

Applicant: Gummalla et al.
Appl. No.: 12/270,410
Filing Date: November 13, 2008
Title: METAMATERIAL STRUCTURES WITH MULTILAYER METALLIZATION AND VIA
Attorney Docket No.: 20784-0010001
Pub. No.: US 2009/0135087 A1
Pub. Date: May 28, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on November 25, 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 documents in paper rather than via the Office 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.

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 12/10/2009 KKING1
11/27/2009 RMEBRAHT 00000035 12270410
02 FC:1505 -300.00 OP

Refund Ref:
12/10/2009 0030077643

Credit Card Refund Total: $300.00

Master C: XXXXXXXXXXXX5198

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LAW OFFICES OF RONALD M ANDERSON
600 108TH AVE, NE
SUITE 507
BELLEVUE WA 98004

MAILED

OCT 08 2009

OFFICE OF PETITIONS

In re Application of	:	
Hans Jacobsen	:	DECISION ON PETITION
Application No. 12/270,430	:	TO WITHDRAW
Filed: November 13, 2008	:	FROM RECORD
Attorney Docket No. JACO0004	:	

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

The request is **APPROVED**.

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

All attorneys/agents of record have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Hans Jacobsen
3249 S. 160th Street, Apt. #208
SeaTac WA 98188

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PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O. BOX 10500
MCLEAN VA 22102

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JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Albert Ren-Rui Wang et al	:	DECISON
Application No. 12/270,498	:	ON PETITION
Filed: November 13, 2008	:	
Attorney Docket No. 081468-0375425 (P-2920.01	:	

This is a decision on the petition filed February 19, 2009, which is being treated as a petition under 37 CFR 1.59 requesting that the declaration filed December 18, 2008, be expunged from the record.

The petition under 37 CFR 1.59 is **dismissed**.

The instant application was filed November 13, 2008 without an oath or declaration. A Notice to File Missing Parts of Nonprovisional Application (Notice) noting the lack of oath or declaration was mailed November 25, 2008. In response to the Notice, a declaration and power of attorney was filed December 18, 2008.

The instant petition notes that the declaration filed December 18, 2008 was erroneously misfiled in the above identified application and was meant to be filed in an unrelated application. Petitioner requests that the declaration filed December 18, 2008 be removed from the file. Petitioner points to the fact that the declaration lists 13 co-inventors rather than the correct 4 co-inventors. Petitioner also points out that the title of the invention, filing date and application number identified an application that was unrelated to the instant application.

37 CFR 1.59 provides for an applicant's request for expungement of information in a patent application, other than the original papers upon which the filing date was granted. However, under the terms of the rule, petitioner "must ...establish to the satisfaction of the Director that the expungement of the information is appropriate..." See 37 CFR 1.59(b). Under the circumstances of this case, expungement would not be proper.

Applicant filed the declaration which was a copy of a declaration from another application. Such a filing is acceptable as indicated in MPEP 602.05(a) which states in part;

> A copy of an oath or declaration from a prior application may be submitted with a continuation or divisional application even if the oath or declaration identifies the application number of the prior application.
>
> A copy of the oath or declaration from a prior non-provisional application may be filed in a continuation or divisional application even if the specification for the continuation or divisional application is different from that of the prior application,

Therefore, when the declaration was filed on December 18, 2008, it was accepted as a declaration from an earlier filed parent application. Since a divisional does not have to be identical to the parent application, the differences in titles of the invention was not an indicator of a non-related application. The difference in inventorship was likewise not an indicator of non-related applications. The application papers filed November 11, 2008 merely listed a first inventor, Luoqi Chen. There were no papers filed on that date that identified the actual inventorship of the application. The filing of the declaration on December 18, 2008 established actual inventorship as per MPEP 605 which reads in part;

> 37 CFR 1.41(a)(1) now defines the inventorship of a nonprovisional application as that inventorship set forth in the oath or declaration filed to comply with the requirements of 37 CFR 1.63,

The declaration filed December 18, 2008 established the inventorship of the instant application. A review of Office records confirms that the inventorship is the thirteen applicants listed in that declaration. There was no mismatch of inventorship which, according to petitioner proves the declaration in question was the wrong one because that declaration, in fact, established the inventorship of the instant application.

The MPEP makes clear that the expungement of record information should occur in very limited situations. See MPEP § 724.05. That particular section of the MPEP and referenced-sections (e.g., MPEP § 724.02) address the following types of information as subject (or susceptible) to possible expungement:

1) trade secret information;
2) proprietary information;
3) protective order material;
4) unintentionally-submitted information; and
5) information submitted in a wrong application.

The above situations are the only known types of circumstances which have led to information expungement. The declaration filed December 18, 2008 cannot be expunged as it has established inventorship of the application. While petitioner may argue that the declaration was submitted in the wrong application, the submission was completely acceptable within Office guidelines.

DECISION

For the reasons given above, the petition under 37 CFR 1.59 to expunge the Office communication of June 20, 2006, is **dismissed**.

Petitioner needs to file a petition under 37 CFR 1.48(a) to correct the inventorship. It is noted that the correct declaration was filed with the instant petition. However a petition under § 1.48(a) is required as the inventorship established by the December 18, 2008 declaration is said to be in error.

Telephone inquiries relative to this decision should be directed to Carl Friedman at (571) 272-6842.

David Buczo
Petitions Examiner
Office of Petitions

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

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MAR 15 2010

In re Application of Robert C. Gutierrez et al. Application No. 12/270,505 Filed: November 13, 2008 Attorney Docket No. **VFX012002000**	DECISION ON PETITION TO WITHDRAW FROM RECORD

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

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 68823 has been revoked by the applicants of the patent application on January 15, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

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

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OCT 09 2009

OFFICE OF PETITIONS

KELLEY DRYE & WARREN, LLP
400 Atlantic Street, 13th Floor
Stamford, CT 06901

In re Application of	:	
Ronald Scheman	:	
Application No. 12/270,519	:	DECISION ON PETITION
Filed: November 13, 2008	:	TO WITHDRAW
Attorney Docket No. IML-102(P)(US)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 20, 2009.

The request is **APPROVED**.

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

The request was signed by Steven J. Moore 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 Ronald Scheman at the address indicated below.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Ronald Scheman**
85 Tradd Street
Charleston, SC 29401

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
12/270,519	11/13/2008	Ronald Scheman	IML-102(P)(US)

CONFIRMATION NO. 2328

POWER OF ATTORNEY NOTICE

47670
KELLEY DRYE & WARREN LLP
400 ALTLANTIC STREET , 13TH FLOOR
STAMFORD, CT 06901

OC000000038183983

Date Mailed: 10/08/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2009.

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

/tsjohnson/

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

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JACKSON & CO., LLP
6114 LA SALLE AVENUE
#507
OAKLAND CA 94611-2802

MAILED

MAY 10 2010

OFFICE OF PETITIONS

In re Application of :
Say et al. :
Application No. 12/270,564 : ON PETITION
Filing: November 13, 2008 :
Attorney Docket No. TS-02-26C34 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 17, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Geng-Shin Shen et al.	:	
Application No. 12/270,574	:	DECISION ON PETITION
Filed: November 13, 2008	:	TO WITHDRAW
Attorney Docket No. **JCLA16667-CIP1**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 5, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because the address for neither the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor.

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 JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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MR. JOSEPH E. SCHOENHOLTZ JR.
LAW OFFICE OF JOSEPH E. SCHOENHOLTZ JR.
254 COLLEGE AVENUE, F
PALO ALTO, CA 94306

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DEC 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Geng-Shin SHEN et al.	:	
Application No. 12/270,574	:	DECISION ON PETITION
Filed: November 13, 2008	:	TO WITHDRAW
Attorney Docket No. **JCLA16667-CIP-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 September 28, 2009 and re-submitted on November 02, 2009.

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

A review of the file record indicates that the power of attorney to LAW OFFICE OF JOSEPH E. SCHOENHOLTZ JR. has been revoked by the assignee of the patent application on November 03, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Tredelle D. Jackson/
Petitions Examiner
Office of Petitions

cc: **J C PATENTS**
4 VENTURE, SUITE 250
IRVINE CA 92618

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

May 6, 2009

In re application of Maurice Lacasse Serial No. 12/270,581 Filed: November 13, 2008 For: WATER TREATMENT APPARATUS	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program filed on March 9, 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 CIPO, note where the CIPO 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 CIPO application with similar claims and the CIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the CIPO 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 CIPO 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 CIPO 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 CIPO application is a first action allowance then no office action from the CIPO 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 CIPO 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 CIPO examiner in the CIPO 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 processing by the Office of Patent Application Processing (OPAP), 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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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.
12/270,587	11/13/2008	SIMA NADLER	IL920080117US1	2446

75339 7590 12/18/2008
PATENTS ON DEMAND, P.A.
4581 WESTON ROAD
SUITE 345
WESTON, FL 33331

EXAMINER
WEISS, JOHN

ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
12/18/2008	PAPER

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

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

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

In re application of Nadler, Sima Application No. 12/270,587 Filed: November 13, 2008 For: AUTHENTICITY RATINGS BASED AT LEAST IN PART UPON INPUT FROM A COMMUNITY OF RATERS	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

This is a decision on the petition filed on November 13, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

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

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5, II.5.1, II.5.2, and II.6.1.

With regards to Condition II.5, the applicant has included a list of Databases searched such as USPAT, US-PGPUB, EPO, PCT and INSPEC, and used tools such as Micropat, Google Scholar, Delphion and Scirus, however, the applicant fails to indicate the name of the files utilized in the search, and fails to indicate which files were searched with each database service used. The Table on Page 2 of the search document gives search logic and search strings used and discloses which database service was used to search, however has not identified which files or databases were specifically searched with each service.

Regarding Condition II.5.1, it is required that Applicant's search involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement. Applicant has included a foreign search, however the applicant has failed to search any JPO databases.

Further, Applicant did not search most of the database files required by the search template. Applicant is reminded that search templates, specific to each class/subclass, may be found at http://www.uspto.gov/web/patents/searchtemplates/. For example, the instant application is best classified in 705/1. Looking toward the available search templates and recommended areas of search for class 705/1 (see http://www.uspto.gov/web/patents/searchtemplates/class705-001.htm) some of the more relevant search areas would include a text search in the listed Non-Patent Literature database files. A comprehensive list of recommended database files is found on the 705/1 search template web page as well. Especially relevant to the claimed subject matter are database files such as:

ABI/INFORM
Business & IndustryTM (B&I)
Business Wire
Dialog Global Reporter
EBSCOhost Research Databases
Gale Group Computer DatabaseTM
Gale Group GlobalbaseTM

Gale Group New Product Announcements/Plus (NPA/Plus)
Gale Group Newsletter DatabaseTM
Gale Group PROMT
Gale Group Trade & Industry DatabaseTM
Inside Conferences
Inspec (The Database for Physics, Electronics and Computing)
JSTOR Journals
McGraw-Hill Companies Publications Online
ProQuest Direct
TecInfoSource (formerly SoftBase: Reviews, Companies, and Products)
Wall Street Journal Abstracts

As per Condition II.5.2, the pre-examination search must encompass the US Class and subclass in which the application is classified. The application is classified in 705/1, the pre-examination search is directed to Class 455, and does not encompass the class/subclass the application is classified in, Class 705/1.

Further, regarding Condition II.5.2, the preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation and include adequate synonyms, and truncation in order to not overly narrow the search. While Applicant conducted good searches, Applicant did not search all of the claimed features in any of the searches conducted, including US Patent, US Patent Applications, EP, WIPO, JPO and NPL searches. In particular Applicant failed to search the features he/she indicated as being allowable, such as "providing a rating option within a user interface...", "receiving rating input using the rating option from a plurality of raters", "calculating based at least in part upon the rating input from the plurality of raters an identity score that indicates a confidence level that the profile data of an on-line entity is accurate" and "presenting an authenticity rating based upon the calculated identity score...".

A recommended search query for the above features that may be executed in all databases of East is as follows:

> L1 (((user adj interface) or web$1page$1 or web$1site$1) same ((user$1 or person$1 or profile$1 or ident$) near5 (rank$4 or rat$4 or scor$4))) and ((identit$3 or identification$1) near5 (accura$3 or authent$9 or verif$5 or certif$8 or validat$3 or check$3)) and ((plurality or multiple or (two near3 more)) near3 (rat$4 or rank$4 or scor$4))

Please keep in mind that this is a non-limiting search suggestion and is only meant to serve as a possible starting point for Applicant's preexamination search for the limitations in the independent claims and the applicant's search should also include the particular features in Claims 2-5 and 7-10 as well, particularly the features of identification authority, comparing the identity verification input against data from a data source not editable by the online entity and calculating the identity score based at least in part upon the comparison, and receiving rating comments. The applicant should also repeat this search in all search

categories, including, US, Foreign and NPL. Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following web site: http://www.uspto.gov/web/patents/accelerated/ Applicant is expected to perform more supplemental searches than the sample search query listed above.

Further regarding Condition II.5.2, the text search which was used, was either limited to the Claims, Title or Abstract, or it was limited by the US Class/subclass. A text search should be performed without these limitations, and should be performed on the Full Patent text without the limitation of the US Class/subclass.

Regarding Condition II.6.1, Applicant has provided multiple IDSs with the petition, however has failed to indicate which IDS is considered to be in support of the petition and which IDS is considered to be supplemental. The applicant needs to point out which IDS submitted is considered to be in support of the petition and which IDS is considered to be supplemental. While it seems that the IDS listing the same references discussed in the support document is meant to be the IDS in support of the petition; applicant should explicitly indicate such on the record.

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Robert Weinhardt at (571) 272-6633, or C. Michelle Tarae at (571) 272-6727, both Business Practice Specialists, or Jamisue Plucinski (571) 723-1567.

C. Michelle Tarae

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

CMT/JP/12/17/08

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SUITE 345
WESTON FL 33331

In re application of	:	**DECISION ON PETITION**
Nadler, Sima	:	**TO MAKE SPECIAL FOR**
Application No. 12/270,587	:	**NEW APPLICATION**
Filed: November 13, 2008	:	**UNDER 37 CFR 1.102**

For: AUTHENTICITY RATINGS BASED AT LEAST IN PART UPON INPUT FROM A COMMUNITY OF RATERS

This is a decision on the petition filed November 13, 2008 and the updated petition documents filed on January 21, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on November 13, 2008. That petition was dismissed in a decision mailed December 18, 2008 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reasons for the dismissal included a finding of an inadequate Search Document and an inadequate Support Document.

With the updated IDSs filed January 21, 2009, Applicant has successfully remedied the issue raised with regard to condition II.6.1.

With the updated Search Documents filed January 21, 2009, Applicant has successfully remedied some of the issues raised in the dismissal (condition II.5.1 – searching the JPO database; and condition II.5.2 – searching 705/1), however has not sufficiently addressed nor remedied all of the issues raised in the dismissal.

Specifically, the dismissal indicated that, per Condition II.5, Applicant did not indicate the name of the files searched for each database service utilized. For example, in the previous search as well as in the updated search, the Scirus.com database service is listed; however, there is no corresponding list of files searched in Scirus.com. Similarly, the updated search adds Proquest as a database service utilized, but fails to name the specific files searched within Proquest. Please visit http://www.uspto.gov/web/patents/accelerated/ to view the sample AE Preexamination Search document for how to format the search results and identify the database services with corresponding database files searched.

The dismissal further indicated that, per Condition II.5.1, Applicant did not search many of the Non-Patent Literature database files suggested by the search template in http://www.uspto.gov/web/patents/searchtemplates/class705-001.htm. It appears that Applicant has only added one new database file, Business Wire, to their searched database files, which is not a sufficient showing of a Non-Patent Literature search. While Applicant indicated that database services Proquest and Internet Archive have additionally been searched, since no corresponding database files were identified, it is not clear to what extent more Non-Patent Literature database files were searched with regard to Proquest and Internet Archive.

The dismissal further indicated that, per Condition II.5.2, the preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation and include adequate synonyms, and truncation in order to not overly narrow the search. The dismissal indicated that while Applicant conducted good searches, Applicant did not search all of the claimed features and did not include adequate synonyms and truncation in any of the searches conducted, including US Patent, US Patent Applications, EP, WIPO, JPO and NPL searches. In particular Applicant failed to search the features indicated as being allowable in the Detailed Explanation of Patentability of the Support Document, such as "providing a rating option within a user interface...", "receiving rating input using the rating option from a plurality of raters", "calculating based at least in part upon the rating input from the plurality of raters an identity score that indicates a confidence level that the profile data of an on-line entity is accurate" and "presenting an authenticity rating based upon the calculated identity score...".

The dismissal gave a recommended search strategy that could be used as a starting point which could be used to search the features the applicant indicated as allowable; however the applicant adopted none of the recommended search strategies. It is important that these features be searched in order to make a patentability determination with greater confidence.

Due to the fact that the updated Search Document has not sufficiently addressed all of the issues raised in the dismissal, conditions II.5, II.5.1 and II.5.2 have not been fully satisfied.

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

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

Any inquiry regarding this decision should be directed to Robert Weinhardt at (571) 272-6633 or C. Michelle Tarae at (571) 272-6727, both Business Practice Specialists.

C. Michelle Tarae

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

CMT/RW/3/11/09

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

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Geng-Shin Shen et al.	:	
Application No. 12/270,602	:	DECISION ON PETITION
Filed: November 13, 2008	:	TO WITHDRAW
Attorney Docket No. **JCLA16667-CIP2**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 5, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because the address for neither the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor.

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 JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

DEC 24 2008

In re Application of: MILGRAMM, MICHAEL et al.
Application No.: 12/270620
Filed: November 13, 2008
Title: METHOD FOR MONITORING ATTENTIVENESS AND PRODUCTIVITY IN A SUBJECT

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 November 13, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.1, 5.3, 6, 6.1, 6.4, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 6.2, 6.3, and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" herein below, the received papers under consideration include the four page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", the "pre-examination search document" (PESD) including pages 1-15; the "accelerated examination support document" (AESD) comprising pages 1-16, and an Information Disclosure Statement (IDS).

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 600 subclass 595. The following terms search must also be carried out:
EEG, electroencephalograph, frequency distribution, waveband, mastoid, eye, blink, power ratio, alert$4, vigilance.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

Petitioner's submission is not specific enough. Petitioner points out some limitations of some of the claims and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address each discrete limitation (i.e., each single limitation, NOT multiple limitations bundled together) and state where it is (or state that it is not) found in each one of the most closely related prior art. The requirement of section II element 6.2 can be satisfied by listing verbatim ("copy and paste") all the presently filed claims (i.e., the claims of the instant application) and by indicating where each discrete limitation (without bundling limitations to the extent possible) of each one of said presently filed claims is taught (or is not taught) in each one of the most closely related references that is cited, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. Limitations for which antecedent basis has been established and mapped unto the prior art reference need not be mapped repeatedly (the first time suffice). However limitations not disclosed must be specifically singled out (without bundling with disclosed limitations – to the extent possible). Note that disclosure may be express, implicit, or inherent. Claim recitations must be complete. Statements such as "Limitation II(b) – (not disclosed)", i.e., statements that do not spell out the text of the relevant limitations should be avoided. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. The requirement of this element calls for a straight mapping of each single limitation unto the prior art. Section II element 6.2 is not the proper venue to imply patentability by bundling limitations and concluding that the combination is not disclosed. Patentability arguments should be made only in response to the requirement of section II element 6.3.

With respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each one of the claims is patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In addition to the lack of detailed patentability explanation, the arguments lack obviousness analysis, or lack thereof, under 35 USC 103(a), for example in view of Yeung, Botvinick, and Cohen (2004). For these reasons, the petition does not meet the requirement of section II, element 6.3. The requirement of section II element 6.3 can be satisfied by indicating for each one of the presently filed claims (i.e., the claims of the instant application) which specific i.e., discrete limitation(s) in each one of said presently filed claims define(s) over each one of the most closely related references that is cited. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. Patentability arguments must specifically spell out the relevant limitation(s); prior art patents can be referred to by the last name of the first inventor. Statements such as "Reference A does not teach limitation II(b)" will suffice, as long as the reference name and the text of the specific limitation are fully spelled out in the statement. Lack of obviousness analysis for combining two or more references should be

performed when a "most closely related prior art" reference clearly indicates reasons for such combination. With regard to each dependent claim, there should be an unequivocal statement whether the patentability of each dependent claim is predicated solely on that of the claim from which it depends (e.g., "Dependent claim X is patentable solely because of the limitations of the claims from which it depends" - will suffice), or Applicant should provide a detailed explanation of patentability specific to that particular claim (only if the claim recites new limitations that further define over the prior art).

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met because lack of specificity. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies figures and portions of text with respect to claim numbers as opposed to the disclosure of the required claim limitations, addressed individually for each limitation in each claim. The requirement of section II element 6.5 can be satisfied by listing verbatim all the presently filed claims (by "copy and paste") and by indicating where the instant application (and separately each one of the priority documents – if applicable) teaches each discrete limitation (without bundling limitations to the extent possible) in each one of said presently filed claims, by indicating the element number and/or the relevant page and line numbers. To the extent possible, Petitioner should indicate the enablement location in the specification as required by statute, i.e., "the manner and process of making and using it," rather than pointing to the first occurrence of establishing antecedent for the limitation in the specification. For this reason Petitioner should indicate, to the extent possible, the combination of the element, figure, page, (or paragraph), and line numbers in the specification where the mapped limitation is actually taught and enabled. If the application(s) for which domestic priority is claimed is/are identical to the present application, a statement to the effect that they are "substantially identical" in lieu of the required additional mapping is acceptable. Petitioner's attention is also drawn to the requirements relevant under 35 U.S.C 112, 6th paragraph, listed above. Should this requirement not apply to the present application, Petitioner should make a statement in this regard (requirement presently satisfied).

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828.

Ehud Gartenberg

Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

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P.O. Box 1450
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COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

March 17, 2009

In re Application of: MILGRAMM, MICHAEL et al.
Application No.: 12/270620
Filed: 11/13/2008
Title: METHOD FOR MONITORING ATTENTIVENESS AND PRODUCTIVITY IN A SUBJECT

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

This is a decision on the renewed petition filed on January 26, 2009 (corrected March 13, 2009) to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

Ehud Gartenberg

Ehud Gartenberg, Special Programs Examiner
Technology Center 3700

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

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OFFICE OF PETITIONS

In re Application of	:	
Geng-Shin Shen et al.	:	
Application No. 12/270,627	:	DECISION ON PETITION
Filed: November 13, 2008	:	TO WITHDRAW
Attorney Docket No. **JCLA16667-CIP3**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 5, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because the address for neither the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor.

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 JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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254 College Avenue, F
Palo Alto CA 94306

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OFFICE OF PETITIONS

In re Application of
Geng-Shin Shen et al.
Application No. 12/270,627
Filed: November 13, 2008
Attorney Docket No. **JCLA16667-CIP3**

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 CFR. § 1.36(b), filed November 2, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 53538 has been revoked by the assignee of the patent application on November 3, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: J C PATENTS
4 VENTURE, SUITE 250
IRVINE CA 92618

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JACKSON & CO., LLP
6114 LA SALLE AVENUE
#507
OAKLAND CA 94611-2802

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MAY 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Say et al.	:	
Application No. 12/270,638	:	ON PETITION
Filing: November 13, 2008	:	
Attorney Docket No. TS-02-26C33	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 17, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of
Geng-Shin SHEN, et *al.*
Application No. 12/270,642
Filed: November 13, 2008
Attorney Docket No. **JCLA16667-CIP4**

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 28, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **LAW OFFICE OF JOSEPH E.SCHOENHOLTZ, JR** has been revoked by the assignee of the patent application on November 3, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: **J C PATENTS**
4 VENTURE, SUITE 250
IRVINE, CA 92618

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254 College Avenue, F
Palo Alto CA 94306

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OFFICE OF PETITIONS

In re Application of	:	
Geng-Shin Shen et al.	:	
Application No. 12/270,655	:	DECISION ON PETITION
Filed: November 13, 2008	:	TO WITHDRAW
Attorney Docket No. **JCLA16667-CIP5**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 5, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because the address for neither the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor.

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 JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of	:	
SHEN, Geng-Shin et al.	:	
Application No. 12/270,655	:	DECISION ON PETITION
Filed: November 13, 2008	:	TO WITHDRAW
Attorney Docket No. **JCLA16667-CIP5**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 28, 2009 and re-submitted on November 02, 2009.

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

A review of the file record indicates that the power of attorney to LAW OFFICE OF JOSEPH E. SCHOENHOLTZ JR. has been revoked by the assignee of the patent application on November 03, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Tredelle D. Jackson/
Petitions Examiner
Office of Petitions

cc: **J C PATENTS**
4 VENTURE, SUITE 250
IRVINE CA 92618

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Paper No.

HENNEMAN & ASSOCIATES, PLC
70 N. MAIN ST.
THREE RIVERS MI 49093

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FEB 25 2010

In re Application of :
Charles Moore : DECISION REFUSING STATUS
Application No. 12/270,661 : UNDER 37 C.F.R. § 1.47(b)
Filed: November 13, 2008 :
Attorney Docket No. 0057-055P3:

This is a decision on the Petition under 37 CFR 1.47(b) filed May 1, 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. In other words, the filing of executed oaths or declarations by previously non-signing inventors is a proper response to this decision. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on November 13, 2008, without an executed declaration. Accordingly, on December 1, 2008, the Office mailed a "Notice to File Missing Parts of Application," requiring an executed declaration and the surcharge for its late filing. (In addition, the Notice required submission of replacement drawings). This Notice set a two-month time limit for reply with extensions of time obtainable under § 1.136(a).

It is further noted that in addition to other requirements of law (35 U.S.C. 111(a) and 115), an application deposited pursuant to 37 CFR 1.47(b) must meet the following requirements:

(1) The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

(2) The 37 CFR 1.47(b) applicant must state his or her relationship to the inventor as required by 37 CFR 1.64.

(3) The application must be accompanied by proof that the inventor cannot be found or reached after a diligent effort or refuses to execute the application papers. See MPEP § 409.03(d).

(4) The last known address of the inventor must be stated. See MPEP § 409.03(e).

(5) The 37 CFR 1.47(b) applicant must make out a prima facie case (i) that the invention has been assigned to him or her or (ii) that the inventor has agreed in writing to assign the invention to him or her or (iii) otherwise

demonstrate a proprietary interest in the subject matter of the application. See MPEP § 409.03(f).
(6) The 37 CFR 1.47(b) applicant must prove that the filing of the application is necessary (i) to preserve the rights of the parties or (ii) to prevent irreparable damage. See MPEP § 409.03(g).

The petition includes a declaration executed by Vice-President F. Eric Saunders on behalf of rule 47(b) applicant for the non-signing inventor. Accompanying the declaration was a 3.73(b) statement establishing VP Saunders authority to sign on behalf of rule 47(b) applicant. The petition includes a statement of the last known address of inventor Moore. VP Saunders states on petition that the invention was developed by Charles Moore and assigned to rule 47(b) applicant. The petition includes a copy of the assignment executed by inventor Moore and recorded in the U.S. Patent and Trademark Office. By declaration of VP Saunders, applicant further sets forth facts to show why the filing of the application is necessary to preserve the rights of the parties and/or to prevent irreparable damage.

However, the petition is not grantable as requirement (3) above is not met. The application must be accompanied by proof that the inventor cannot be found or reached after a diligent effort or refuses to execute the application papers. See MPEP § 409.03(d). Applicant relies on an inference of refusal by conduct to show inventor Moore has refused to join in the application. However, the inference is not adequately supported as applicant does not show that inventor Moore has refused to join in the application after having been presented with all of the application papers. Applicant asserts that the inventor expressed his unwillingness to sign the papers at several meetings and that subsequently when the papers were presented to the inventor by email he did not respond. The petition does not include a copy of the email, a statement from legal assistant Doris Pruett based on her first-hand knowledge of the presentation, or most importantly, a showing that inventor Moore received and was able to open and review the email communication. Whether presented by email or regular mail, there must be a showing that the inventor received the papers before it can be inferred that his failure to respond constitutes a refusal. Otherwise, it can equally be inferred that he has not responded because he did not receive the papers. With respect to regular mail, there is usually a signed return receipt or a delivery service confirmation. Likewise, with

respect to email presentations, there generally has to be some evidence of acknowledgement of receipt whether by responsive email or subsequent detailed oral communication. As such, it cannot be inferred that inventor Moore by his conduct in not responding is refusing to join in the application.

To cure the deficiencies in this petition, applicant must either 1) submit adequate proof of the presentation of the papers to the inventor by email on January 27, 2009, 2) newly present the papers to the inventor by email or regular mail and supply the Office with adequate proof, or 3) provide the signature of inventor Moore on a declaration in compliance with 37 CFR 1.63.

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Geng-Shin Shen et al. :
Application No. 12/270,666 : DECISION ON PETITION
Filed: November 13, 2008 : TO WITHDRAW
Attorney Docket No. **JCLA16667-CIP5** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 5, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because the address for neither the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor.

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 JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of

Geng-Shin Shen et al.
Application No. 12/270,666
Filed: November 13, 2008
Attorney Docket No. **JCLA16667-CIP6**

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 CFR § 1.36(b), filed September 28, 2009.

The request is **NOT APPROVED**.

The request is not approved because the requested change in correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

According to USPTO records it is noted that there is more than one assignee of record associated with the above application. However, the statement under 37 CFR 3.73(b) filed May 27, 2009, is deemed incomplete and thus unacceptable as it list only one assignee. Therefore, a proper statement under 37 CFR 3.73(b) must be submitted in order to comply with 37 CFR 3.71.

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 JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Geng-Shin Shen et al. :
Application No. 12/270,679 : DECISION ON PETITION
Filed: November 13, 2008 : TO WITHDRAW
Attorney Docket No. **JCLA16667-CIP-7** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 5, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because the address for neither the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor.

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 JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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

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

In re Application of

Geng-Shin Shen et al.
Application No. 12/270,679
Filed: November 13, 2008
Attorney Docket No. **JCLA16667-CIP-7**

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 CFR § 1.36(b), filed September 28, 2009.

The request is **NOT APPROVED**.

The request is not approved because the requested change in correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

According to USPTO records it is noted that there is more than one assignee of record associated with the above application. However, the statement under 37 CFR 3.73(b) filed May 27, 2009, is deemed incomplete and thus unacceptable as it list only one assignee. Therefore, a proper statement under 37 CFR 3.73(b) must be submitted in order to comply with 37 CFR 3.71.

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 JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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Gary J. Gershik
Cooper & Dunham LLP
30 Rockefeller Plaza
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New York, New York 10036

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MAR 16 2009

TECHNOLOGY CENTER 2100

In re Application of:
Milgramm et al.
Serial No.: 12/270,689
Filed: November 13, 2008
Docket: 7414/79897/GJG/BJA
For: **A Method of Determining Whether a Test Subject Is A Specific Individual**

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 November 13, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I 1, 3-4, II 1-4 and II 5.1, 5.3, II 6.1, 6.4 and II 6.6 above are considered to have been met. However, the petition fails to comply with conditions I 2, II 5.2, II 6.2-6.3 and II 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding item I. 2. of the conditions regarding the application, the application size fee is missing from the fee worksheet dated 11/13/2008. Appropriate correction is required.

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

Specifically, the text search strategy should be added to supplement the classified search performed. Here is an example search strategy that would complete this requirement.

> 1) (compar$5 with amplitude with reference with ((brain near3 waveform) electrical near3 activit$3)) and (biometric eeg (electro$1encephalograph))

This strategy should or rough equivalent should be performed on a database that includes US Patents, US PG Pubs, Foreign Patents and Non Patent Literature.

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

Finally, based upon the claimed subject matter of the instant application, a search in the following class and subclasses is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: **Class 713 Electrical Computers And Digital Processing Systems: Support** Subclass 182 (System Access Control Based On User Identification by Cryptography), Subclass 185 (Using Record or Token); **Class 726 Information Security** Subclass 4 (Authorization)for subject matter related to authenticate the identity of a subject. This additional search area was confirmed with an examiner in the pertinent art area.

The examination support document is required to discuss each and every limitation in the claims by specifying where the limitations are disclosed in the cited references and which features are not patentable and for the most part that is properly done. However, part of claim 1b) "comprising at least one sensory stimulus familiar to the specific individual and at least four sensory stimuli are of

the same modality, and quantitating the amplitude of a P300 waveform evoked by the at least one sensory familiar stimulus in the first EEG"; part of claim 1d) "comprising the at least one sensory stimulus familiar to the specific individual and to at least four sensory stimuli not familiar to the specific individual, wherein all the sensory stimuli are of the same modality"; claim 1e), 1f) and claim 12 are not disclosed by Chaudhari et al.. When looking at these 2 sections it is unclear what is taught and what is not taught. Take for example claim element 1b starting exponsing the..., is some or all of this element taught by Chaudhari. Claim 12 appears to not be taught by Chaudhari as referenced in section 6.2 but is not discussed in the statement for patentability. Similar corrections are required for Dinges et al., Brooks, and Rosenfeld with respect to II 6.2-6.3 above.

With regard to the requirement of MPEP § 708.02(a)(I)(2-3) and item 6.3 above, On page 13 of the accelerated examination support document, Petitioners states that Kim et al. and Brooks do not teach steps g) and h) of claim 1. However, there are no limitations labeled g or h on pages 1 and 2 of the accelerated examination support document. What claim features are being referenced?

Regarding the requirement of MPEP § 708.02(a)(I.)(5) and item II.6.5 above, the preexamination support document fails to provide a showing of the 112 1st support for each and every claim feature in the written description of the specification as well as in the provisional application 60/987,606 that this application claims benefit of. Please specifically map each claim element to at least on section/paragraph or portion of drawing for both this application and the provisional.

DECISION

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

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

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

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

Tod R Swann
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/270,689	11/13/2008	Michael Milgramm	7414/79897/GJG/BJA	2632

23432 7590 03/16/2009
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

EXAMINER
MOAZZAMI, NASSER G

ART UNIT	PAPER NUMBER
2436	

MAIL DATE	DELIVERY MODE
03/16/2009	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.
12/270,689	11/13/2008	Michael Milgramm	7414/79897/GJG/BJA	2632

23432 7590 04/16/2009
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

EXAMINER
MOAZZAMI, NASSER G

ART UNIT	PAPER NUMBER
2436	

MAIL DATE	DELIVERY MODE
04/16/2009	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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Gary J. Gershik
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30 Rockefeller Plaza
20th Floor
New York, New York 10036

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APR 16 2009

TECHNOLOGY CENTER 2100

In re Application of:
Milgramm et al.
Serial No.: 12/270,689
Filed: November 13, 2008
Docket: 7414/79897/GJG/BJA
For: **A Method of Determining Whether a Test Subject Is A Specific Individual**

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

This is a decision on the renewed petition filed on April 8, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on November 13, 2008 was dismissed in the decision mailed on March 16, 2009.

The petition to make the application special is GRANTED as the revised Support Document, and Pre-Examination Search Document meet the requirements of condition II 5.2, II 6.2-6.3 and II 6.5.

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

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

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

2. Restriction Practice:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tod R Swann
Quality Assurance Specialist
Technology Center 2400
Computer Security, Architecture and Software

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OFFICE OF PETITIONS

J C PATENTS
4 VENTURE, SUITE 250
IRVINE CA 92618

In re Application of	:	
Yu-Chia Liu, et al.	:	
Application No. 12/270,698	:	NOTICE
Filed: November 13, 2008	:	
Attorney Docket No. JCLA28663	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to Terri Johnson at (571) 272-2991.

Thurma K. Page for
Chris Bottorff
Petitions Examiner
Office of Petitions

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COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

DEC 24 2008

In re Application of: MILGRAMM, MICHAEL et al.
Application No.: 12/270719
Filed: November 13, 2008
Title: METHOD FOR REAL TIME ATTITUDE ASSESSMENT

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 November 13, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.1, 5.3, 6, 6.1, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 6.2, 6.3, 6.4 and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" herein below, the received papers under consideration include the four page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", the "pre-examination search document" (PESD) including pages 1-15; the "accelerated examination support document" (AESD) comprising pages 1-17, and an Information Disclosure Statement (IDS).

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 600 subclass 595. The following terms search must also be carried out:
EEG, electroencephalograph, frequency distribution, waveform, evoked, images, alpha, beta, amplitude, eye, blink, alert$4, vigilance.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

Petitioner's submission is not specific enough. Petitioner points out some limitations of some of the claims and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address each discrete limitation (i.e., each single limitation, NOT multiple limitations bundled together) and state where it is (or state that it is not) found in each one of the most closely related prior art. The requirement of section II element 6.2 can be satisfied by listing verbatim ("copy and paste") all the presently filed claims (i.e., the claims of the instant application) and by indicating where each discrete limitation (without bundling limitations to the extent possible) of each one of said presently filed claims is taught (or is not taught) in each one of the most closely related references that is cited, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. Limitations for which antecedent basis has been established and mapped unto the prior art reference need not be mapped repeatedly (the first time suffice). However limitations not disclosed must be specifically singled out (without bundling with disclosed limitations – to the extent possible). Note that disclosure may be express, implicit, or inherent. Claim recitations must be complete. Statements such as "Limitation II(b) – (not disclosed)", i.e., statements that do not spell out the text of the relevant limitations should be avoided. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. The requirement of this element calls for a straight mapping of each single limitation unto the prior art. Section II element 6.2 is not the proper venue to imply patentability by bundling limitations and concluding that the combination is not disclosed. Patentability arguments should be made only in response to the requirement of section II element 6.3.

With respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each one of the claims is patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, petitioner makes patentability arguments that are neither detailed nor fully clarified. For example, in the AESD, p.11, last two lines, petitioner states that Laken does not teach the ERN-based analysis of claim 3. On p. 16 of the AESD, Petitioner states that support for the claimed limitations is found in the disclosure at p. 3, l. 3 to p. 5, l. 20. However, said broad citation does not teach the claimed ERN-based analysis. For these reasons, the petition does not meet the requirement of section II, element 6.3. The requirement of section II element 6.3 can be satisfied by indicating for each one of the presently filed claims (i.e., the claims of the instant application) which specific i.e., discrete limitation(s) in each one of said presently filed claims define(s) over each one of the most closely related references that is cited. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. Patentability arguments must specifically spell out the relevant limitation(s); prior art patents can be referred to by the last name of the first inventor. Statements such as "Reference A does not

teach limitation II(b)" will suffice, as long as the reference name and the text of the specific limitation are fully spelled out in the statement. Lack of obviousness analysis for combining two or more references should be performed when a "most closely related prior art" reference clearly indicates reasons for such combination. With regard to each dependent claim, there should be an unequivocal statement whether the patentability of each dependent claim is predicated solely on that of the claim from which it depends (e.g., "Dependent claim X is patentable solely because of the limitations of the claims from which it depends" - will suffice), or Applicant should provide a detailed explanation of patentability specific to that particular claim (only if the claim recites new limitations that further define over the prior art).

Regarding the requirements of section II element 6.4 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating the utility to each of the independent claims as is required by the policy. Petitioner should reference each independent claim specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met because lack of specificity. A grantable petition requires petitioner to provide a showing of where <u>each limitation</u> of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies figures and portions of text with respect to claim numbers as opposed to the disclosure of the required claim limitations, addressed individually for each limitation in each claim. The requirement of section II element 6.5 can be satisfied by listing verbatim all the presently filed claims (by "copy and paste") and by indicating where the instant application (and separately each one of the priority documents – if applicable) teaches <u>each discrete limitation</u> (without bundling limitations to the extent possible) in each one of said presently filed claims, by indicating the element number and/or the relevant page and line numbers. To the extent possible, Petitioner should indicate the enablement location in the specification as required by statute, i.e., "the manner and process of making and using it," rather than pointing to the first occurrence of establishing antecedent for the limitation in the specification. For this reason Petitioner should indicate, to the extent possible, the combination of the element, figure, page, (or paragraph), and line numbers in the specification where the mapped limitation is actually taught and enabled. If the application(s) for which domestic priority is claimed is/are identical to the present application, a statement to the effect that they are "substantially identical" in lieu of the required additional mapping is acceptable. Petitioner's attention is also drawn to the requirements relevant under 35 U.S.C 112, 6th paragraph, listed above. Should this requirement not apply to the present application, Petitioner should make a statement in this regard (requirement presently satisfied).

DECISION

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

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

considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828.

Ehud Gartenberg

Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

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COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

March 17, 2009

In re Application of: MILGRAMM, MICHAEL et al.
Application No.: 12/270719
Filed: 11/13/2008
Title: METHOD FOR REAL TIMA ATTITUDE ASSESSMENT

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

This is a decision on the renewed petition filed on January 26, 2009 (as corrected on March 13, 2009) to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

Ehud Gartenberg

Ehud Gartenberg, Special Programs Examiner
Technology Center 3700

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OFFICE OF PETITIONS

In re Application of	:
Cynthia B. Robinson et al.	:
Application No. 12/270,808	: DECISION REFUSING STATUS
Filed: November 13, 2008	: UNDER 37 CFR 1.47(a)
Attorney Docket No. **30775-716.502**	:

This is in response to the petition filed June 29, 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 respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on November 13, 2008 without an executed oath or declaration. Accordingly, on December 3, 2008, a Notice to File Missing Parts was mailed requiring, *inter alia*, a signed oath or declaration. In response thereof, the instant petition and five month extension of time were filed seeking status under 37 CFR 1.47(a) and arguing that petitioner has been unable to obtain a signed declaration of inventorship pursuant to 37 C.F.R. §1.63 from Howard A. Ball.

The petition argues that an electronic email to the last known electronic address was sent, that telephone calls to the last known telephone numbers were made, that a letter by FedEx requesting verification of Mr. Ball's mailing address was sent to the last known address, that an electronic search for contact information and address for Howard A. Ball was conducted and finally that a Declaration and Assignment in co-pending application No. 12/324,769 was sent to the last known address obtained from online search service Accurint®, but that through all of the efforts to reach Howard A. Ball, they have not been successful.

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 present petition lacks items (1).

While petitioners have shown that correspondence was mailed to non-signing inventor Ball but that the package has been returned undeliverable, and while petitioners have argued that a search through Accurint® has provided an address for the non-signing inventor, petitioner has neither shown that a copy of the application papers for the instant application was mailed to the last known address or the exact results of the online search. Thus, petitioners have not shown that a complete copy of the application has been provided to the non-signing inventor or that diligent efforts have been made to locate the non-signing inventor.[1]

Petitioners must show proof that a copy of the instant Application (specification including claims, drawings, if any) and the Declaration were sent or given to the non-signing inventors for review.[2] 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.

In the alternative if the argument is that the non-signing inventor cannot be located, petitioners must provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the additional efforts to locate joint inventor Ball such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate him, send or give a copy of the application papers to him, and request that he sign and return the declaration. If repeated attempts to contact the non-signing inventor by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that

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[1] MPEP 409.03(d).

[2] MPEP 409.03(d).

he cannot be found despite diligent efforts.

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

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In re Application of	:	
Cynthia B. Robinson, et al.	:	DECISION REFUSING STATUS
Application No. 12/270,811	:	UNDER 37 CFR 1.47(a)
Filed: November 13, 2008	:	
Attorney Docket No. 30775-720.502	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 16, 2009.

The petition is DISMISSED.

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

The above-identified application was filed on November 13, 2008, without an executed oath or declaration. Accordingly, on December 1, 2008, a Notice to File Missing Parts of Nonprovisional Application was mailed, requiring several application filing fees, replacement drawings, an executed oath or declaration and the late filing surcharge. A two (2) month period for reply was set. In response, on June 16, 2009, applicant filed, *inter alia*, the present petition under 37 CFR 1.47(a), a partially executed declaration and an appropriate 5-month extension of time.

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 lacks item (1).

In this regard, rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers

(specification, claims, drawings and oath or declaration). There is no indication herein that joint inventor Howard A. Ball was presented with a copy of the complete application papers for this application. If the inventor was not presented with a copy of the application papers for this application, then he could not attest that he has "reviewed and understands the application papers" and could not execute the declaration he were requested to sign.

Did each of the joint inventors receive a copy of the application papers? The fact that an application may contain proprietary information does not relieve the rule 47 applicant of the responsibility to present the application papers to a joint inventors if he is willing to receive the papers in order to sign the oath or declaration. Therefore, at the very least, petitioner should mail complete application papers (specification, claims, drawings and oath or declaration). to the last known address of joint inventor Howard A. Ball, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers to that address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Further 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 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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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
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DALLAS, TX 75201-2980

Mail Date: 08/03/2010

Applicant	: Madhukar B. Vora	: DECISION ON REQUEST FOR
Patent Number	: 7645654	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/270,964	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2008	: 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.

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BERWYN, PA 19312-1183

MAILED
MAY 25 2010
OFFICE OF PETITIONS

Applicant: Aufdenblatten, et al.
Appl. No.: 12/270,999
Filing Date: November 14, 2008
Title: NEW PROCESS 054
Attorney Docket: 133087.32401
Pub. No.: US 2009/0182157 A1
Pub. Date: July 16, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 3, 2009 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein claim 2 was printed incorrectly.

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

The error noted by requester in claim 2, wherein "any" was misprinted as "or a" may be an Office error, but it is a not material Office error under 37 CFR 1.221. The error does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

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

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the claims because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b).

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.

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/271,004	11/14/2008	Kazuhiro MATSUYAMA	04329.4400	3236

22852 7590 07/08/2009
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
07/08/2009	PAPER

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

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

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

Finnegan, Henderson, Farabow, Garrett & Dunner L.L.P.
901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of: **MATSUYAMA** et al
Application No. 12/271,004
Filed: November 14, 2008

For: **COPYRIGHT PROTECTION APPARATUS AND COPYRIGHT PROTECTION PROCESSING METHOD**

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

MAILED

JUL 08 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 1, 2009, to make the above-identified application special.

The petition is **DISMISSED.**

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

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

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

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

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

(5) Applicant must submit a copy of 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 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 failed:

1) item (7) above, because the applicant has failed to pay the required petition fee.

Accordingly, the Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Responses must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Ricky Ngo 571-272-3139.

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

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

/Ricky Ngo/

Ricky Ngo
Supervisory Patent Examiner, Technology Center 2400
571-272-3139

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/271,004	11/14/2008	Kazuhiro MATSUYAMA	04329.4400	3236

22852 7590 07/27/2009
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
07/27/2009	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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Finnegan, Henderson, Farabow, Garrett & Dunner L.L.P.
901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of: **MATSUYAMA** et al
Application No. 12/271,004
Filed: November 14, 2008

For: **COPYRIGHT PROTECTION APPARATUS AND COPYRIGHT PROTECTION PROCESSING METHOD**

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

MAILED

JUL 27 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 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 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 KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

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

Telephone inquiries concerning this decision should be directed to Ricky Ngo 571-272-3139.

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

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

/Ricky Ngo/

Ricky Ngo
Supervisory Patent Examiner, Technology Center 2400
571-272-3139

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dean P Alderucci
Cantor Fitzgerald, L.P.
110 East 59th Street (6TH FLOOR)
New York, NY 10022

MAILED

APR 21 2009

OFFICE OF PETITIONS

In re Application of	:	
Howard W. Lutnick	:	
Application No. 12/271027	:	DECISION ON PETITION
Filed: 11/14/08	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 07-2186-B	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

The instant petition includes a statement from a register practitioner that he has evidence that the applicant is 65 years of age or older as required under MPEP § 708.02, Section IV. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Newton Edwards at 571-272-6052.

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, after processing by the Office of Patent Application Processing, for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEAN P. ALDERUCCI
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK NY 10022

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MAY 07 2009

OFFICE OF PETITIONS

In re Application of:	:	
Howard W. Lutnick et al.	:	
Application No. 12/271,027	:	DECISION ON PETITION
Filed: 14 November 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 07-2186-B	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **DISMISSED**.

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

The instant petition does not include an executed oath or declaration. Therefore, one can not determine if the age of Charles Plott is relevant to this application.

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 Zohreh Fay at 571-272-6051 or in her absence to the undersigned at 571-272-7099.

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

The application is being forwarded to the Office of Patent Application Processing.

David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

DEAN P. ALDERUCCI
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK NY 10022

In re Application of	:	
Howard W. Lutnick et al.	:	
Application No. 12/271,027	:	DECISION ON PETITION
Filed: November 14, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 07-2186-B	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 24, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes s statement by the applicant's attorney that he is in possession of evidence showing one of the inventors, Charles Plott, is 65 years of age, or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 3692 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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INTELLECTUAL PROPERTY DEPT
ONE PPG PLACE
PITTSBURGH, PA 15272

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MAR 09 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Joseph M. Ferencz :
Application No. 12/271,054 :
Filed: :
Attorney Docket No. 2012D1 :

This is a decision in response to a petition, filed February 11, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

A review of the record shows that the application was deposited on November 14, 2008. However, on December 1, 2008, a Notice of Incomplete Provisional Application was mailed, requiring drawings and stating that the filing date would be the date of receipt of the drawings. In response, on February 11, 2009, the present petition was filed.

The filing of a petition under 37 CFR 1.137(b) to revive the application on the basis of unintentional delay is inappropriate under the present circumstances. The application did not meet the requirements to be entitled to a filing date.

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

It is noted that the above-identified application contains a priority claim under 37 CFR 1.78 of a prior-filed application that was present on the filing date of the application. If applicant wants to rely on 37 CFR 1.57(a) to add inadvertently omitted material to the above-identified application, applicant must file a petition under 37 CFR 1.57(a) accompanied by the $400 petition fee (37 CFR 1.17(f) within TWO MONTHS of the date of this decision. The $540 petition fee submitted with the petition on February 11, 2009 is refundable; however, petitioner may request that this fee be reapplied towards the fee required for the petition under 37 CFR 1.57(a).

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

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

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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PITTSBURGH PA 15272

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MAY 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Joseph Ferencz	:	
Application No. 12/271,054	:	ON PETITION
Deposited: November 14, 2008	:	
Attorney Docket No. 2012D1	:	

This is in response to the "PETITION UNDER 37 C.F.R. 1.57(a)" to enter inadvertently omitted drawings filed March 16, 2009, requesting that the above-referenced application be accorded a filing date of November 14, 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 November 14, 2008. However, on December 1, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

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

> 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

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

may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of November 14, 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 November 14, 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 Charlema Grant at (571) 272-3215.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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KAMILO FEHER
44685 COUNTRY CLUB DRIVE
EL MACERO CA 95618

MAILED

MAR 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Kamilo Feher	:	
Application No. 12/271,089	:	DECISION ON PETITION
Filed: 14 November 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. BLUTOU05	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed initially on 14 November 2008 and again on 18 November 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 inventor that he is over 65 years. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Zohreh Fay at 571-272-6051 or in her absence to the undersigned at 571-272-7099.

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

The application is being forwarded to the Technology Center Art Unit 2617 for action on the merits commensurate with this decision.

for David Bucci
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.
12/271,156	11/14/2008	HENRY O. MEISSNER	GE-001	3537

7590 12/11/2009

ITALIA IP
3500 WEST OLIVE AVE.
SUITE 300
BURBANK, CA 91505

EXAMINER
SANDERS, KRIELLION ANTIONETTE

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
12/11/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Refs
12/10/2009 [illegible]

Credit Card Refund Total: $1622.00

[illegible]XXXXXXXXXXXX2270

Adjustment date: 12/10/2009 NFARMER
11/14/2008 INTEFSW 00010912 1227.156
02 FC:2111 -270.00 OP
04 FC:2202 -1352.00 OP

FORM PET651G (Rev. 08/07)

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MAR 2 4 2009

OFFICE OF PETITIONS

IP GROUP OF DLA PIPER US LLP (DMI)
ONE LIBERTY PLACE
1650 MARKET STREET, SUITE 4900
PHILADELPHIA PA 19103

In re Application of	:	
Kneuer et al.	:	DECISION REFUSING STATUS
Application No. 12/271,225	:	UNDER 37 CFR 1.47(a)
Filed: November 14, 2008	:	
Attorney Docket No. 2007D10018US01	:	

This is in response to the petition under 37 CFR 1.47(a), filed February 17, 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 Medico, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing Medico. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Medico's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative?

What does inspection of the phone directories for those address locations reveal? If all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

If inventor Medico is located, the applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration).

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
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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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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IP GROUP OF DLA PIPER LLP (US) - DMI
ONE LIBERTY PLACE
1650 MARKET STREET, SUITE 4900
PHILADELPHIA PA 19103

MAILED

JUN 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Harald Kneuer, Thorsten Waloschek, Peter	:	DECISION GRANTING STATUS
Medico, John Richards, Ines Poggensee, Nancy	:	UNDER 37 CFR 1.47(a)
Files and Philip Moehring.	:	
Application No. 12/271,225	:	
Filed: November 14, 2008	:	
Attorney Docket No.	:	
2007D10018US01DM1071536R	:	
For: Method and Apparatus For Controlling A	:	
Warming Therapy Device	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed May 14, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Medico 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 pre-examination processing.

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Peter Medico
1508 Windmill Lane
Breinigsville, PA 18031

MAILED

JUN 12 2009

OFFICE OF PETITIONS

In re Application of
Harald Kneuer, Thorsten Waloschek, Peter Medico
John Richards, Ines Poggensee, Nancy Files and Philip Moehring.
Application No. 12/271,225
Filed: November 14, 2008
Attorney Docket No. 2007D10018US01DM1071536R
For: Method and Apparatus For Controlling A Warming Therapy Device

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: IP GROUP OF DLA PIPER LLP (US) - DMI
ONE LIBERTY PLACE
1650 MARKET STREET, SUITE 4900
PHILADELPHIA PA 19103

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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JUN 22 2009

OFFICE OF PETITIONS

REINHART BOERNER VAN DEUREN P.C.
2215 PERRYGREEN WAY
ROCKFORD IL 61107

In re Application of
Green, et al.
Application No. 12/271,322
Filed: November 14, 2008
Atty. Dkt. No.: 506262

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

This is in response to the petition under 37 CFR 1.47(a), filed April 27, 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.

The required petition fee of $200.00 has been charged to petitioners' deposit account, as authorized.

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) 272-2305.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Scotty L. King
3905 Hamilton-Richmond Rd.
Franklin, TN 37067

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JUN 2 2 2009
OFFICE OF PETITIONS

In re Application of
Green, et al.
Application No. 12/271,322
Filed: November 14, 2008
Atty. Dkt. No.: 506262

Dear Sir:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: REINHART BOERNER VAN DEUREN P.C.
2215 PERRYGREEN WAY
ROCKFORD IL 61107

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Bib Data Sheet

CONFIRMATION NO. 3887

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/271,322	11/14/2008 RULE 1.47	096	1797	506262

APPLICANTS

Thomas B. Green, Liberty Township, OH;
Scotty L. King, Hamilton, OH;
Lei Li, West Chester, OH;

**** CONTINUING DATA ****************************

This appln claims benefit of 60/989,218 11/20/2007

**** FOREIGN APPLICATIONS ***********************

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 11/24/2008

Foreign Priority claimed	☐ yes ☐ no	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119 (a-d) conditions met	☐ yes ☐ no ☐ Met after Allowance	OH	18	48	3
Verified and Acknowledged	Examiner's Signature Initials				

ADDRESS
53609

TITLE

Filtration Medias, Fine Fibers Under 100 Nanometers, and Methods

FILING FEE RECEIVED		
2676	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

COPY MAILED
JAN 19 2010

In re Application of	:	
Jerrold M. DOBBINS et al.	:	
Application No. 12/271,402	:	NOTICE
Filed: November 14, 2008	:	
Attorney Docket No. **NPS-PT053.2**	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD, SUITE 350
BIRMINGHAM, MI 48009

COPY MAILED
DEC 22 2008

In re Application of	:	
Robert D. **CUPPETELLI**	:	
Application No. 12/271,432	:	DECISION ON PETITION
Filed: November 14, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **67269-001PUS2**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 20, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the statement of inventor Robert D. Cuppetilli, attesting of his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Monica A. Graves
Petitions Examiner
Office of Petitions

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LATHROP & GAGE LLP
4845 PEARL EAST CIRCLE
SUITE 201
BOULDER, CO 80301

COPY MAILED
FEB 18 2010

In re Application of	:	
Gregory Winfield Gorman	:	DECISION ON PETITION
Application No. 12/271,477	:	TO WITHDRAW
Filed: November 14, 2008	:	FROM RECORD
Attorney Docket No. 485975	:	

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 8, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Curtis A. Vock on behalf of all attorneys of record who are associated with Customer No. 30955.

All attorneys/agents associated with Customer Number 30955 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

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

cc: Gregory W. Gorman
473 Wyoming Circle
Golden CO 80403

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/271,498	11/14/2008	Ravi P. Bansal	AUS920080649US1	4216

82294 7590 11/25/2008
IBM CORPORATION (ACCSP)
c/o Suiter Swantz pc llo
14301 FNB Parkway, Suite 220
Omaha, NE 68154

EXAMINER

ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
11/25/2008	PAPER

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

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

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NOV 24 2008

IBM Corporation (ACCSP)
c/o Suiter Swantz PC, LLO
14301 FNB Parkway, Suite 220
Omaha, NE 68154

In re application of	:	**DECISION ON PETITION**
Ravi P. Bansai et al.	:	**TO MAKE SPECIAL FOR**
Application No. 12/271,498	:	**NEW APPLICATION**
Filed: November 14, 2008	:	**UNDER 37 CFR 1.102**
For: SYSTEM AND METHOD FOR CONTROLLING VEHICLE ENGINE RUNNING STATE AT BUSY INTERSECTIONS FOR INCREASED FUEL CONSUMPTION EFFICIENCY		

This is a decision on the petition filed on November 14, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition fails to comply with condition I.3, above.

Because the application was filed without all inventors signing the declaration, the application is considered to be incomplete under 37 CFR 1.51 as evidenced by the Notice to File Missing Parts of Nonprovisional Application dated November 20, 2008.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure. Given the above failure of filing a complete application, which cannot now be remedied, the petition has not been further reviewed on the merits.

DECISION

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn. Further petitions for accelerated examination in this application will not be entertained.

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

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 11/23/08

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COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary, NC 27518

Mail Date: 04/21/2010

Applicant	: Kashi Banerjee	: DECISION ON REQUEST FOR
Patent Number	: 7608190	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/271,506	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2008	: 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.

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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.
12/271,511	11/14/2008	Yoji Kaneko	0941.82521	4251

7590 06/17/2010

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER
TRINH, MINH N

ART UNIT	PAPER NUMBER
3729	

MAIL DATE	DELIVERY MODE
06/17/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Gordon a. Tibbitts, et al.	:	
Application No. 12/271,514	:	DECISION ON PETITION
Filed: November 14, 2008	:	TO WITHDRAW
Attorney Docket No. 066015.000015	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 27, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners were appointed by customer number. Petitioners must withdraw in the same manner by which they were appointed. Further the request cannot be approved because the statement under 3.73(b) no statement under 3.73(b) was filed.

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

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

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

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

cc: PARTICLE DRILLING TECHNOLOGIES, INC.
5611 BARID COURT
HOUSTON, TX 77041

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

LAWRENCE CRUZ
CONAIR CORPORATION
ONE CUMMINGS POINT ROAD
STAMFORD, CT 06902

In re Application of	:	
Anthony Kit Lun LEUNG	:	
Application No. 12/271,532	:	DECISION ON PETITION
Filed: November 14, 2008	:	
Attorney Docket No. 1376/U	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 12, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 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 a declaration and the required fee; (2) the petition fee of $1620; and (3) the required statement of unintentional delay.

The Power of Attorney filed October 2, 2009, has been accepted and recorded.

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

All other inquires should be directed to the Office of Data Management at 571-272-4000.

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

/Diane C. Goodwyn/
Petitions Examiner
Office of Petitions

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MUNCY GEISSLER OLDS & LOWE PLLC
PO BOX 1364
FAIRFAX VA 22038-1364

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OFFICE OF PETITIONS

In re Application of	:	
Chia-Lin Chuang	:	
Application No. 12/271,534	:	DECISION ACCORDING STATUS
Filed: November 14, 2008	:	UNDER 37 CFR 1.47(b)
Attorney Docket No. 3722/0536PUS1	:	

This is in response to the petition under 37 CFR 1.47(b), filed with the application on November 14, 2008.

The petition under 37 C.F.R. § 1.47(b) is GRANTED.

With the instant petition, Rule 47(b) applicant has attested that a copy of the application papers was forwarded to Chuang. However, Chuange made an oral refusal to sign the papers in a telephone conversation on July 28, 2008. Rule 47(b) applicant has included a statement from Tien, the person to whom the refusal was made.

The petition and declaration have been reviewed and determined to be in compliance with 37 C.F.R. § 1.47(b).

The application is hereby accorded Rule 47 status.

As provided in 37 C.F.R. § 1.47(c), the Office will provide notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice will also be provided in the Official Gazette.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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P.O. Box 1450
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CHIA-LIN CHUANG
167-1 CHANGCHUN ST
300 HSINCHU CITY
TAIWAN ROC

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Chia-Lin Chuang	:	
Application No. 12/271,534	:	
Filed: November 14, 2008	:	LETTER
Title: Power Mesh Arrangement Method Utilized in an Integrated Circuit Having Multiple Power Domains	:	

Dear Chia-Lin Chuang:

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHERRI MORRIS
1110 JORDAN HILLS
CHAPEL HILL NC 27517

MAILED

NOV 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Sherri Lynn Morris	:	
Application No. 12/271,559	:	ON PETITION
Filed: November 14, 2008	:	
Title: Digi Time Capsule	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed October 2, 2009.

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

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Corrected Application Papers mailed December 2, 2008. This Notice set an extendable period for rely of two (2) months. No reply having been received, the application became abandoned on February 3, 2009. The Office mailed a Notice of Abandonment on August 10, 2009.

With the instant petition, applicant paid the petition fee, submitted a reply to the Notice to File Corrected Application Papers, and made the proper statement of unintentional delay.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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SHERRI MORRIS
1110 JORDAN HILLS
CHAPEL HILL NC 27517

MAILED

NOV 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Sherri Lynn Morris	:	
Application No. 12/271,559	:	ON PETITION
Filed: November 14, 2008	:	
Title: Digi Time Capsule	:	

This is a decision on the petition to revive under 37 CFR 1.137(a), filed September 21, 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 1.181". 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 December 2, 2008. This Notice set an extendable period for rely of two (2) months. No reply having been received, the application became abandoned on February 3, 2009. The Office mailed a Notice of Abandonment on August 10, 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 Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was

unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). The instant petition has not satisfied requirements (2) and (3) above.

With respect to item (1), petitioner has not submitted the fee for a petition to revive an unavoidably abandoned application.

With respect to item (3), decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

Moreover, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."[2] In addition, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, does not constitute "unavoidable" delay.[3]

To establish nonreceipt of an Office action, a petitioner must:

---

[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.[4] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[5] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[6]

Here, petitioner has not submitted a docket record. However, as petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. In that case, if petitioner seeks to establish that she did not receive the December 2 Notice, petitioner must explain her system for keeping track of patent matters; where she keeps the correspondence; where she writes down due dates; how she knows replies are due, etc. In essence, petitioner must explain how she reminds herself of response due dates and show that the due date for the December 2, 2008 Notice was not entered into that system. Here, petitioner has not satisfactorily explained how she keeps track of correspondence and reminds herself of due dates.

The application is being retained in the Office of Petitions for consideration of the petition to revive under 37 CFR 1.137(b), filed October 2, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[4] See MPEP 711.03(c)(II).

[5] MPEP 711.03(c)(II) (emphasis added).

[6] Id.

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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Anthony HIGSON	:	
Application No. 12/271,597	:	DECISION ON PETITION
Filed: November 14, 2008	:	TO WITHDRAW
Attorney Docket No. 5904AH-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 February 1, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Ryan P. Trunck, on behalf of the attorneys of record associated with Customer No. 22442.

The attorneys of record associated with Customer No. 22442 have been withdrawn.

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

The correspondence address for future communications from the Office has been changed and the new correspondence address is indicated below.

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

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

cc: ANTHONY HIGSON
9 JAY CLOSE, SOUTHWATER, RH 13 9TT
WEST SUSSEX ENGLAND U.K.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/271,597	11/14/2008	Anthony HIGSON	5904AH-1

CONFIRMATION NO. 4495

POWER OF ATTORNEY NOTICE

22442
SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

OC000000041046478

Date Mailed: 04/09/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/01/2010.

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

/dcgoodwyn/

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/271,614	11/14/2008	Noriyasu Horigome	6639P522	4539

EXAMINER

7590 09/30/2009
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
09/30/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

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

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

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

Kaletra Buchanan

Patent Publication Branch
Office of Data Management

FORM PET650D (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.
12/271,614	11/14/2008	Noriyasu Horigome	6639P522	4539

EXAMINER

7590 09/30/2009
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
09/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

Adjustment date: 09/30/2009 KKING1
11/17/2008 INTEFSW 00003092 022666 12271614
02 FC:1111 540.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham MA 02451-1914

MAILED

JUN 26 2009

OFFICE OF PETITIONS

In re Application of
Hunt, Chen, and Chapman
Application No. 12/271,636
Filed: November 14, 2008
Attorney Docket No. MMS-38
For: METHOD AND APPARATUS FOR TWO-WAY TRANSMISSION OF MEDICAL DATA

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

This is a decision on the petition under 37 CFR 1.47(a) filed June 8, 2009 (certificate of mailing dated June 3, 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 November 14, 2008, and was not accompanied by a properly executed oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on December 3, 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 June 8, 2009, with a request for an extension of time within the fourth month.

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

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

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

(3) the petition fee,

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

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

As to item (1), the instant petition does not detail the circumstances of the refusal of inventor Hunt to join the prosecution of the application nor does it make clear that a complete copy of the application papers was sent to him. Further to this point, Section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent part, that:

> 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 . . .
>
> 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 from a person with first-hand knowledge of the circumstances of inventor Hunt's alleged refusal and by any documentary evidence that supports petitioner's contention. The petition should also make clear that a complete copy of the application papers was presented to the non-signing inventor.

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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Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham MA 02451-1914

COPY MAILED
JAN 15 2010

In re Application of :
Hunt, Chen, and Chapman :
Application No. 12/271,636 : DECISION NOTING JOINDER
Filed: November 14, 2008 :
Attorney Docket No. MMS-38 :
For: METHOD AND APPARATUS FOR TWO-WAY TRANSMISSION OF MEDICAL DATA

This is in response to the renewed petition under 37 CFR 1.47(a) filed December 29, 2009, noting the joinder of inventor Hunt 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.

The petition fee was paid twice. The amount of $200.00 will be refunded in due course.

This application is being directed 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
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Alexandria, VA 22313-1450
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CNH AMERICA LLC
INTELLECTUAL PROPERTY LAW
DEPARTMENT
700 STATE STREET
RACINE WI 53404

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Russell James MEMORY	:	
Application No. 12/271,679	:	DECISION ON PETITION
Filed: November 14, 2008	:	
Attorney Docket No. 15232	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before April 12, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed January 11, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 13, 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 $1510 and publication fee of $300; (2) the petition fee of $1620; and (3) the required statement of unintentional delay.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

MAILED

JUL 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Addleman, et al.	:	DECISION GRANTING STATUS
Application No. 12/271,774	:	UNDER 37 CFR 1.47(a)
Filed: November 14, 2008	:	
Attorney Docket No. 061300-1397	:	

This is in response to the petition under 37 CFR 1.47(a), filed July 2, 2009.

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor, Jeffrey L. Weller, has constructively refused to join in the filing of the above-identified application.

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

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

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
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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JEFFREY L. WELLER
7535 MOLLY PITCHER HIGHWAY
GREENCASTLE PA 17225

MAILED

JUL 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Addleman, et al.	:	
Application No. 12/271,774	:	LETTER
Filed: November 14, 2008	:	
Attorney Docket No. 061300-1397	:	

Dear Mr. Weller:

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: FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

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Quine Intellectual Property Law Group, P.C.
P.O. Box 458
Alameda, CA 94501

MAILED

FEB 17 2009

OFFICE OF PETITIONS

In re Application of	:	
John B. French	:	
Application No. 12/271,813	:	DECISION ON PETITION
Filed: November 14, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 546-000210US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 29, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a 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 3711 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY UT 84111

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NOV 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Dean Y. Li, et al.	:	
Application No. 12/271,825	:	DECISION ON PETITION
Filed: November 14, 2008	:	
Attorney Docket No. 32642	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 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 January 2, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 3, 2009. The Notice of Abandonment was mailed September 9, 2009.

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

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application.

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

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PO BOX 14329
RESEARCH TRIANGLE PARK NC 27709

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JAN 12 2009

In re Application of	:	
PHYKITT, Howard	:	
Application No. 12/271,874	:	DECISION ON PETITION
Filed: November 15, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **4367-103**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 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 Howard Phykitt, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3763 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/271,910	11/16/2008	Ulf Troppens	DE920070185US2	5244

75749 7590 04/14/2009
MAXVALUEIP CONSULTING LLC
11204 ALBERMYRTLE ROAD
POTOMAC, MD 20854

EXAMINER
BONZO, BRYCE P

ART UNIT	PAPER NUMBER
2113	

MAIL DATE	DELIVERY MODE
04/14/2009	PAPER

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

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

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04/13/09

MAXVALUEIP CONSULTING LLC
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POTOMAC, MD 20854

In re Application of: TROPPENS, et al. Serial No.: 12/271,910 Filed: November 16, 2008 Docket: DE920070185US2 Title: RAID REBUILD USING FILE SYSTEM AND BLOCK LIST	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 original petition filed on November 16, 2008 and the supplemental petition filed on April 7, 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 **DISMISSED**.

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

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

The instant application is a continuation of parent application 12/108,511, filed 4/24/08 and now abandoned.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items 5.2 & 5.3 above, the preexam search must be directed to the (instant) claimed invention and encompass all of the disclosed features of the claim. Note, the provision of the identified search area and search logic provided to locate the references cited in the instant petition does not meet this requirement, in particular, based upon the claimed subject matter of the instant application, a search in the following class and subclass (classification search) is necessary in order to provide full coverage of where the most pertinent references are most likely to be found: class 711 subclasses 100-112, 114-116 & 147-173; class 719 subclasses 321-327; class 369 subclasses 60.01, 61, 62, 86 & 87; class 360 subclass 47; as well as class 714 subclasses 1-5, 8-10, 40-46 & 747-797. Note, this classification search was indicated to have been performed in the parent application (same disclosed invention). Applicant has not reproduced this search in the instant petition, nor provided an explanation as to why the newly provided search has been substantially truncated from the previous search performed. In addition, the statement made in the originally filed pre-examination search document of "plus prior search with parent case" amounts to an attempt to incorporate by reference a prior (performed) search, is improper in a petition for accelerated examination. Clarification is required.

In addition, on page 1 of the supplemental pre-examination search document filed April 7, 2009, Petitioner indicates that "This is only for extra clarification purposes, and is ***not really needed***". Clarification of this statement is requested.

Further, in the supplemental pre-examination search document, Petitioner indicates a search date of "April 2009". Please provide the full date for the searches performed.

Finally, in both the original and supplemental pre-examination search documents (pages 1 and 29), petitioner refers to the instant application as a continuation of another accelerated application 12/108,511, filed 4-24-08, "to issue in Nov. 2008, as a US Patent". However, USPTO records indicate that this application was in fact abandoned on December 11, 2008. Clarification is requested.

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

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

DECISION

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

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

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

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

Brian L. Johnson
Quality Assurance Specialist, WG 2110
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/271,910	11/16/2008	Ulf Troppens	DE920070185US2	5244

75749 7590 06/02/2009
MAXVALUEIP CONSULTING LLC
11204 ALBERMYRTLE ROAD
POTOMAC, MD 20854

EXAMINER
BONZO, BRYCE P

ART UNIT	PAPER NUMBER
2113	

MAIL DATE	DELIVERY MODE
06/02/2009	PAPER

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

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

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06/01/2009

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In re Application of: TROPPENS, et al.
Serial No.: 12/271,910
Filed: November 16, 2008
Docket: DE920070185US2

Title: RAID REBUILD USING FILE SYSTEM AND BLOCK LIST

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 May 14, 2009 to make the above- identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on November 16, 2008 was dismissed in the decision mailed on April 14, 2009.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Brian Johnson, WQAS 2110
Technology Center 2100
Computer Architecture, Software and Information Security

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OFFICE OF PETITIONS

In re Application of
Ulf Troppens et al.
Application No. 12/271,910
Filed: November 16, 2008
Attorney Docket No. DE920070185US2

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 12, 2009.

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address does not include a proper power of attorney nor is the address that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/271,911	11/16/2008	Beth Ann Peterson	TUC920070244US2	5245

75749 7590 06/12/2009
MAXVALUEIP CONSULTING LLC
11204 ALBERMYRTLE ROAD
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EXAMINER
BEAUSOLIEL JR, ROBERT W

ART UNIT	PAPER NUMBER
2113	

MAIL DATE	DELIVERY MODE
06/12/2009	PAPER

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

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

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06/11/09

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In re Application of: PETERSON, et al. Serial No.: 12/271,911 Filed: November 16, 2008 Docket: TUC920070244US2 Title: THRESHOLDING HARDWARE ERRORS	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 original petition filed on November 16, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

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

The instant application is a continuation of parent application 11/971,911, filed 1/10/08 and now U.S. Patent No. 7,496,784 issued 02/24/09.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items 5.2 & 5.3 above, the preexam search must be directed to the (instant) claimed invention and encompass all of the disclosed features of the claim. Note, the provision of the identified search area and search logic provided to locate the references cited in the instant petition does not meet this requirement. The instant AE Pre-Examination Search Document indicates the following classification search was performed:

235/492
369/32.01
710/52
714/4, 5, 37, 48, 776

While the AE Pre-Examination Search Document in parent application 11/971,911 (same disclosed invention) indicates the following classification search was performed:

235/492, 435-437
369/30.01-30.27, 53.31-53.37, 32.01
710/52-57
331/17
341/20-25
345/616
348/466
358/1.9-3.05, 426.01-426.09
365/185.01-185.09
399/9-19
707/201-202
398/1-9, 25-29
396/403-409
370/328-333
375/240.26-240.29, 242, 243
382/115-127, 251-253, 309, 311
379/14-14.01
380/239-242
708/530-540
714/1-57, 699-824
902/37-38

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

Applicant has not reproduced the latter search in the instant petition, nor provided an explanation as to why the newly provided search has been substantially truncated from the previous search performed. In addition, the statement made in the pre-examination search document of "plus prior search with parent case" amounts to an attempt to incorporate by reference a prior (performed) search, is improper in a petition for accelerated examination. Clarification is required.

Further, in the supplemental pre-examination search document, Petitioner indicates a search date of "April 2008". Please provide the full date for the searches performed.

Finally, in the pre-examination search document (page 1), petitioner refers to the instant application as a continuation of another accelerated application 11/971,911, filed 01-10-08, "to issue in Nov. 2008, as a US Patent". However, USPTO records indicate that this application was in fact issued as a patent in February 2009.

With respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, Petitioner fails to accurately identify where each limitation of the instant claim finds support under 35 USC 112, first paragraph, in the written description of the specification. Support for each limitation of each pending claim must be properly identified (by page, line or paragraph and/or figure). MPEP 2162 is reproduced below:

> **2162 Policy Underlying 35 U.S.C. 112, First Paragraph**
> To obtain a valid patent, a patent application must be filed that contains a full and clear disclosure of the invention in the manner prescribed by 35 U.S.C. 112, first paragraph. The requirement for an adequate disclosure ensures that the public receives something in return for the exclusionary rights that are granted to the inventor by a patent. The grant of a patent helps to foster and enhance the development and disclosure of new ideas and the advancement of scientific knowledge. Upon the grant of a patent in the U.S., information contained in the patent becomes a part of the information available to the public for further research and development, subject only to the patentee's right to exclude others during the life of the patent.
> In exchange for the patent rights granted, 35 U.S.C. 112, first paragraph, sets forth the minimum requirements for the quality and quantity of information that must be contained
>
> in the patent to justify the grant. As discussed in more detail below, the patentee must disclose in the patent sufficient information to put the public in possession of the invention and to enable those skilled in the art to make and use the invention. The applicant must not conceal from the public the best way of practicing the invention that was known to the patentee at the time of filing the patent application. Failure to fully comply with the disclosure requirements could result in the denial of a patent, or in a holding of invalidity of an issued patent.

The requirement of MPEP § 708.02(a)(I.)(I)(5) and item II. 6.5 above clearly states that the petitioner is required to **specifically identify corresponding elements in the figures** and **specifically identify where the corresponding written description in the cited portions of the instant specification** can find support under 35 U.S.C. § 112, first paragraph **for each limitation of claim 1**. For example only, a review of referenced "Page 4 lines 15-20 and page 5 lines 15-20" of the disclosure does not appear to provide antecedent support for the claimed limitation "wherein a string of bits on a longitudinal track is received" (line 5 of the instant claim) as stated

on page 18 of the instant petition. As a further example only, a review of referenced "Page 2 lines 18-20 and page 5 lines 1-5" of the disclosure does not appear to provide antecedent support for the claimed limitation "a first card corresponding to said first flag among said multiple host adapter cards for a first job is fenced off" (lines 11-12 of the instant claim) as stated on page 18 of the instant petition. **The ENTIRE claim must be reviewed and proper support provided for each claimed limitation in the instant disclosure.**

In addition, inaccurate 35 U.S.C. § 112, first paragraph support for the instant claim is also found with respect to the parent application (SN 11/971,911). As such, **the ENTIRE claim must be reviewed and proper support provided for each claimed limitation with respect to the parent application, to which priority is claimed. For example only, reference the same limitations identified above and Petitioner's discussion of support found on page 19 of the instant petition.**

It is pointed out that the written description requirement has several policy objectives. The essential goal of the description of the invention requirement is to clearly convey the information that an applicant has invented the subject matter which is claimed. Another objective is to put the examiner in possession of what the applicant claims as the invention – the written description requirement implements the principle that a patent application must describe the technology that is sought to be patented; the requirement serves both to satisfy the inventor's obligation to disclose the technologic knowledge upon which the application is based and to demonstrate that the applicants were in possession of the invention that is claimed. Further, the written description requirement promotes the progress of expedite examination by ensuring that applicants adequately describe their inventions in sufficient detail in their applications in exchange for the right to take-up out of order of examination. Thus, inaccurate statements regarding support for claimed limitations, cannot be accepted to satisfy such a requirement of MPEP § 708.02(a)(I.)(I)(5) and item II. 6.5 above.

Thus, the petition does not meet the conditions II. 5.2, 5.3 and 6.5 above.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) 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 Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

Brian L. Johnson
Quality Assurance Specialist, WG 2110
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/271,911	11/16/2008	Beth Ann Peterson	TUC920070244US2	5245

75749 7590 07/16/2009
MAXVALUEIP CONSULTING LLC
11204 ALBERMYRTLE ROAD
POTOMAC, MD 20854

EXAMINER
BEAUSOLIEL JR, ROBERT W

ART UNIT	PAPER NUMBER
2113	

MAIL DATE	DELIVERY MODE
07/16/2009	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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07/14/2009

MAXVALUEIP CONSULTING LLC
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In re Application of: PETERSON, et al.
Serial No.: 12/271,911
Filed: November 16, 2008
Docket: TUC920070244US2

Title: THRESHOLDING HARDWARE ERRORS

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

This is a decision on the renewed petition filed on July 13, 2009 to make the above- identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on November 16, 2008 was dismissed in the decision mailed on June 12, 2009.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Brian Johnson, WQAS 2110
Technology Center 2100
Computer Architecture, Software and Information Security

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OFFICE OF PETITIONS

In re Application of

Beth Ann PETERSON, et *al.*
Application No. 12/271,911
Filed: November 16, 2008
Attorney Docket No. **TUC920070244US2**

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 12, 2009.

The request is **APPROVED**.

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

The request was signed by Bijan Tadayon on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed August 6, 2009 that requires a reply from the applicant.

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

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

cc: **BETH ANN PETERSON**
10761 E. VIA TRANQUILLA
TUCSON, AZ 85749

cc: **ELAINE VENTURELLI**
IBM IP LAW DEPARTMENT
8051 CONGRESS AVENUE
INTERNAL ADDRESS 1087
BOCA RATON, FL 33487

547 UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:
STEWART, OSAMUYIMEN, et al.
Serial No.: 12/271,912
Filed: November 16, 2008

Title: **USING WEB FAQ DATA FOR CREATING SELF-SERVICE SPEECH APPLICATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600 Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/271,914	11/16/2008	Stanley Philip Cason	END920070434US2	5249

75749 7590 12/18/2008
MAXVALUEIP CONSULTING LLC
11204 ALBERMYRTLE ROAD
POTOMAC, MD 20854

EXAMINER
DUNHAM, JASON B

ART UNIT	PAPER NUMBER
3625	

MAIL DATE	DELIVERY MODE
12/18/2008	PAPER

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

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In re application of	:	**DECISION ON PETITION**
Cason, Stanley	:	**TO MAKE SPECIAL FOR**
Application No. 12/271,914	:	**NEW APPLICATION**
Filed: November 16, 2008	:	**UNDER 37 CFR 1.102**

For: SHOPPING USING WIRELESS COMMUNICATION

This is a decision on the petition filed on November 16, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where

each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.2.

As per Condition II.5.2, the preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation and include adequate synonyms, and truncation in order to not overly narrow the search. While Applicant conducted good searches, Applicant did not search all of the claimed features and did not search the features which applicant has indicated as patentable such as: "said shopper adds said third object to a virtual shopping cart", "said shopper removes a forth object from said virtual shopping cart", "a total value of said virtual shopping cart is calculated", "a virtual shopping list is established as an alternative to said virtual shipping cart", "said virtual shopping cart and said virtual shopping list are stored on said wireless device and said cellular or mobile phone", "data from said virtual shopping cart and said virtual shopping list on said wireless device and said cellular or mobile phone are combined with data from said first shopping cart and said first shopping list on said wireless device and said cellular or mobile phone", "a consolidated list of items from said virtual shopping cart and said virtual shopping list is displayed to show missing items not in the shopping cart that must be shopped", and "available inventory at said store shopping system is checked". It is important that Applicant more thoroughly search these features in order to make a patentability determination with greater confidence.

A recommended search query for the above features that may be executed in all databases of East is as follows:

L1 (((mobile or cell$4) near3 (phone$1 or device$1)) or PDA or (personal adj digital adj assistant$1)) and ((shop$4 or grocer$3) near3 (cart$1 or list$1 or bag$1 or basket$1) near5 (real or physical)) and ((shop$4 or grocer$3) near3 (cart$1 or list$1 or bag$1 or basket) near5 (virtual or on$1line or web$5 or internet))

L2 L1 and ((combin$3 or merg$3) with (cart$1 or bag$1 or list$1))

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Please keep in mind that this is a non-limiting search suggestion and is only meant to serve as a possible starting point for Applicant's preexamination search. The applicant should also repeat this search in all search categories, including, US, Foreign and NPL. Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following web site: http://www.uspto.gov/web/patents/accelerated/ Applicant is expected to perform more supplemental searches than the sample search query listed above.

Further regarding Condition II.5.2, the search conducted previously by the applicant was done over 6 months from filing, and is not considered to be current. Furthermore, the search on the US Class/subclasses was done over 9 months from filing, and is also not considered to be current. It is recommended that the search be updated to include any publications or patents which have been published at least in the last 6 months prior to filing and the updated search be done in all searches, including US Class/subclass and text searches in US Patent, US Patent Applications, Foreign and NPL databases.

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt at (571) 272-6633, or C. Michelle Tarae at (571) 272-6727, both Business Practice Specialists, or Jamisue Plucinski (571) 723-1567.

C. Michelle Tarae

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

CMT/JP/12/15/08

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In re application of
Cason, Stanley Philip
Application No. 12/271,914
Filed: November 16, 2008
For: SHOPPING USING WIRELESS COMMUNICATION

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the petition filed on November 16, 2008 and the supplemental petition documents filed January 21, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the

amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

    If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination

process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633, or C. Michelle Tarae, Business Practice Specialist, at (571) 272-6727.

C. Michelle Tarae

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

CMT/RW/3/11/09

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.
12/271,915	11/16/2008	Marcus Lathan Kornegay	RPS920070295US2	5250

75749 7590 03/18/2009
MAXVALUEIP CONSULTING LLC
11204 ALBERMYRTLE ROAD
POTOMAC, MD 20854

EXAMINER
SAVLA, ARPAN P

ART UNIT	PAPER NUMBER
2185	

MAIL DATE	DELIVERY MODE
03/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MAXVALUEIP CONSULTING LLC
11204 ALBERMYRTLE ROAD
POTOMAC MD 20854

In re Application of: Komegay et al Serial No.: 12/271,915 Filed: November 16, 2008 Docket: RPS920070295US2 Title: CACHE EVICTION	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 November 16, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

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To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file

any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

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   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

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   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 Mano Padmanabhan at (571) 272-4210. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

/Mano Padmanabhan/

Mano Padmanabhan
WQAS Technology Center 2100
Computer Architecture, Software, and Information Security

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FEB 23 2009

TECHNOLOGY CENTER 2100

Bijan Tadayon
MaxValueIP Consulting LLC
11204 Albermyrtle Road
Potomax, MD 20854

In re Application of: COLEMAN, Andrew.
Serial No.: **12/271,916**
Filed: November 16, 2008
Docket: GB920070212US2
For: USING MESSAGE CONTENT TO GROUP MESSAGES

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 November 16, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The renew petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to

discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

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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 Kim Huynh at (571)-272-4147.

/kb/

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.
12/271,916	11/16/2008	Andrew Coleman	GB920070212US2	5251

75749 7590 02/23/2009
MAXVALUEIP CONSULTING LLC
11204 ALBERMYRTLE ROAD
POTOMAC, MD 20854

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.
12/271,979	11/17/2008	Takeshi ABE	07057.0309-00000	5380

22852 7590 07/22/2010
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
SIDDIQUEE, MUHAMMAD S

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
07/22/2010	PAPER

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July 22, 2010 BC

In re application of Takeshi Abe et al. Serial No. 12/271,979 Filed: November 17, 2008 For: LITHIUM-ION SECONDARY BATTERY, ASSEMBLED BATTERY, HYBRID AUTO-MOBILE, AND BATTERY SYSTEM	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed July 07, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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PATENT LAW PROFESSIONALS
P.O. BOX 612407
SAN JOSE, CA 95161

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of
OSMAN, Saleh et al.
Application No. 12/272,037
Filed: November 17, 2008
Attorney Docket No. **56398-4100**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 20, 2009.

The request is **moot** because a revocation of owner of attorney has been previously filed.

A review of the file record indicates that the power of attorney to PATENT LAW PROFESSIONALS has been revoked by the assignee of the patent application on March 24, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **SNELL & WILMER L.L.P. (Panasonic)**
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/272,049	11/17/2008	Amit G. Gaware	1041.023	5522

79464 7590 05/18/2009
Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland, NJ 07068

EXAMINER
LO, WEILUN

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
05/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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P.O. Box 1450
Alexandria, VA 22313-1450
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Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland NJ 07068

In re Application of:
Gaware et al.
Serial No.: 12/272,049
Filed: November 17, 2008
Docket: 1041.023
Title: INTELLIGENT ANALYSIS BASED SELF-SCHEDULING BROWSER REMINDER

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 November 17, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1–I.4, II.5.1, II.5.3, II.6.1, II. 6.2, II.6.4, II.6.5, and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5.2 and II.6.3. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H) and items II.5.2 above, the preexamination search do not encompass all of the features of the claims.

The search logic does not seem to include the inventive concept or features included in the claim language that covers the subject matter of the claims using terms recognized in the art given their broadest reasonable interpretation. The search should consider individual features by themselves and combinations of features. The search should cover the broadest scope encompassed by the claims as well as claims of narrow and intermediate breadth.

With respect to the database searches, the claim limitations some of which have been identified as patentable features distinguishing the claimed invention from the cited prior art (such as (a) tracking websites visited by the user; (b) ranking each website by visitation frequency and browsing duration; (c) calculating an average recurring time each website is visited; (d) determining whether the current time is equal to the average recurring time for a particular website; (e) determining whether the user is currently browsing the particular website when the current time equals the average recurring time for the particular website; and (f) reminding the user to visit the particular website if it is determined that the user is not currently browsing the particular website when the current time equals the average recurring time for the particular website, as recited in claim 1) or any search terms covering these limitations do not appear to have been included in the search. Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarifications if deemed necessary.

With respect to the search logic identified, and in particular with respect to the instant claim, the text search appears to be incomplete. It is recommended that the following search terms be included in an updated search. Such example search terms (shown below) should be searched in singular or in combination:

(track$3 near website$1)
(monitor$3 near website$1)
(rank$3 near (visit$5 or brows$3))
(time$1 near (visit$5 or brows$3))
(duration near (visit$5 or brows$3))

The default proximity operator is OR, the other proximity operators used in EAST are: "adj", "near", "with", and "same".

Note that the above list of terms and synonyms are not meant to be an exhaustive list, merely an example of various terms and synonyms that can be used to produce a more comprehensive prior art search. Nor should these examples be limited only to those sets of search terms provided. Each search term used should be evaluated for applicable synonyms.

The additional search recommendations were confirmed with and recommended by a (primary) examiner in the pertinent art area.

The petitioner should review the Detailed Explanation of Patentability section in view of any updated search and/or clarifications and provide clarifications, as necessary, to ensure compliance with the requirement of MPEP §708.02(a)(I.)(I)(3) and item 6.3 above.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.3 above, the Petitioner should provide a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c).

37 CFR 1.111(b) states a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

In section 9(C), Petitioner asserts the cited reference do not describe the limitations of claim 1. However, Petitioner does not provide a detailed explanation of how each of the claims is patentable over the references cited with particularity. For example, Petitioner broadly describes "all of the references identified above fail to at least teach or suggest..." as directed to the limitations (a) tracking websites visited by the user; (b) ranking each website by visitation frequency and browsing duration; (c) calculating an average recurring time each website is visited; (d) determining whether the current time is equal to the average recurring time for a particular website; (e) determining whether the user is currently browsing the particular website when the current time equals the average recurring time for the particular website; and (f) reminding the user to visit the particular website if it is determined that the user is not currently browsing the particular website when the current time equals the average recurring time for the particular website, as recited in claim 1. Such broad statements only amount to a general allegation that claims are patentable and does not specifically point out *how* the language of the claims patentably *distinguishes them from the teachings of the references both singularly and in combination*, thus failing to comply with the requirements of 37 CRF 1.111(b). Although the Petitioner states each of the references fails to teach at least one of the limitations, the Petitioner does not appear to consider what teachings the combination of references may disclose. Therefore, the Petitioner should consider the distinctions between the claimed invention and the prior art both singularly and in combination in order to distinguish the language of the claims from the references.

Further, 37 CFR 1.111(c) states the applicant or patent owner must *clearly point out* the *patentable novelty* which he or she thinks the claims present *in view of the state of the art disclosed by the references* cited.

While a broad statement such as "all of the references identified above fail to at least teach or suggest..." claimed features may explain why the claims are not anticipated by any single reference, it does not satisfy it does not clearly explain why the claims would not be obvious over the combined teachings of the references. Thus the statement of patentability does not comply with 37 CFR 1.111(c). Clarification is required.

Thus, the petition does not meet the conditions II.5.2 and II.6.3.

DECISION

For the above-stated reasons, the petition is **dismissed**.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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.
12/272,049	11/17/2008	Amit G. Gaware	1041.023	5522

79464 7590 06/26/2009
Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland, NJ 07068

EXAMINER
LO, WEILUN

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
06/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland NJ 07068

In re Application of:
AMIT G.GAWARE et al.
Serial No.: 12/272,049
Filed: November 17, 2008
Docket: 1041.023
Title: INTELLIGENT ANALYSIS BASED SELF-SCHEDULING BROWSER REMINDER

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the revised petition filed on June 18, 2009, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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DONALD J. ERSLER, S.C.
725 GARVENS AVENUE
BROOKFIELD WI 53005

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DEC 2 4 2008

In re Application of	:	
LEE, Richard J.	:	
Application No. 12/272,134	:	DECISION ON PETITION
Filed: November 17, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **2018**	:	37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 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 evidence submitted with the instant petition is a copy Richard Lee's birth certificate indicating that he 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.

This application is being referred to the Office 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
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P.O. Box 1450
Alexandria, VA 22313-1450
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CANTOR COLBURN LLP - SABIC (NORYL)
20 Church Street
22nd Floor
Hartford CT 06103

COPY MAILED
JUN 08 2009
OFFICE OF PETITIONS

In re Application of :
ALBIN P. BERZINIS :
Application No. 12/272,136 : ON PETITION
Filed: November 17, 2008 :
Attorney Docket No. 232856 :

This is in response to the "PETITION UNDER 37 CFR 1.57(a) RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL" filed December 23, 2008, requesting that the above-referenced application be accorded a filing date of November 17, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

On November 17, 2008, applicant deposited the application papers for the above-identified application. On December 4, 2008, the Office of Patent Application Processing mailed applicant a Notice of Incomplete Nonprovisional Application, notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings. On December 23, 2008, applicant submitted this petition and four sheets of drawings. Applicant requests that the application, including the inadvertently omitted drawings, be accorded the filing date of November 17, 2008, on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.78. Specifically, applicant asserts: "The Drawing is not new matter because it was included with the Provisional Application filed June 27, 2008 and incorporated by reference in the instant (Nonprovisional) Application via the claim for priority as documented in the PAIR Continuity Data." *Petition dated 12/23/08, p.1.* "Applicants accordingly respectfully request assignment of the original filing date of November 17, 2008 because the Drawing is not new matter." *Id.*

[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.

Applicant's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one composition claim.

MPEP § 601.01(f) provides, in pertinent part:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications.
>
> ...
>
> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

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 (see § 601.01(g)) instead of a Notice of Incomplete Nonprovisional Application.

The petition is **GRANTED** to the extent that the application will be accorded a filing date of November 17, 2008, with no drawings as part of the original disclosure.

Given the basis for granting this petition, the petition fee will be refunded to the deposit account in due course.

The Office notes that if an application as originally filed included a proper explicit incorporation by reference statement (or an explicit incorporation by reference statement that has been made effective under 37 CFR 1.57(g)), the omitted drawing figures may be added by amendment provided the omitted item(s) contains only subject matter in common with a document that has been properly incorporated by reference. MPEP § 201.06(IV)(B). Furthermore, if an 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, an applicant may be permitted to submit an amendment to add the omitted drawings figures under 37 CFR 1.57(a) if the application contains a claim under 37 CFR 1.55 or 37 CFR 1.78 that was present on the filing date of the application, and the omitted portion of the drawing figures were inadvertently omitted from the application and are completely contained in the prior-filed application. The amendment should be by way of a preliminary amendment and must comply with the requirements of 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. In instances where 37 CFR 1.57(a) has been complied with

and the application is otherwise entitled to a filing date, no petition is required and the amendment to include the inadvertently omitted item(s) would be considered by the examiner.

In this instance, applicant did not submit an amendment to add the omitted drawing figures. Furthermore, the reference to the prior-filed provisional application required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(5) is not included in the first sentence of the specification following the title or in an application data sheet (§ 1.76). Rather, the reference is included in the declaration on filing.

Applicant may request entry of the omitted figures by filing an amendment with the examiner prior to the first Office action on the merits. The determination of new matter will be made by the examiner. However, the amendment to add the omitted drawings may not be entered pursuant to 37 CFR 1.57(a).

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to November 17, 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 Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Anthony Knight
Supervisor
Office of Petitions

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HENNEMAN & ASSOCIATES, PLC
70 N. MAIN ST.
THREE RIVERS MI 49093

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JUL 17 2009

OFFICE OF PETITIONS

In re Application of :
Charles H. Moore :
Application No. 12/272,141 : DECISION REFUSING STATUS
Filed: November 17, 2008 : UNDER 37 CFR 1.47(b)
Attorney Docket No. 0057-053 :

This is in response to the petition filed May 4, 2009 under 37 CFR 1.47(b).[1]

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION**. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on November 17, 2008 without an oath or declaration. Accordingly, on December 2, 2008, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring, *inter alia*, an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The Notice set a two month reply due date.

In response, the present petition was filed with a three month extension of time and a statement by F. Eric Saunders, VP and Chief Intellectual Property Officer, Technology Properties Limited LLC, within his capacity and authority to act on behalf of Technology Properties Limited LLC, to make the application for patent on behalf of and as agent for sole inventor Charles H. Moore. The petition seeks status under 37 CFR 1.47(b)

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[1] A grantable petition under 37 CFR 1.47(b) requires:
(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest, and
(6) proof of irreparable damage.

because the sole inventor refuses to execute the Oath or Declaration. The petition bears proof that the application papers were presented to the non-signing inventor in personal meetings in September and October 2008 and that he has expressly refused to execute the Oath or Declaration and thus to cooperate with the filing of the instant application.

However, the petition lacks item (2) under 37 CFR 1.47(b).

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. A declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee. The oath or declaration must be signed by an officer of the corporation (president, vice president, secretary, or treasurer) on behalf of and as agent for the non-signing inventor(s). The officer must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non-signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.[2]

The statement in support of the petition under 37 CFR 1.47(b) has been filed and signed by F. Eric Saunders, VP and Chief Intellectual Property Officer, Technology Properties Limited LLC, however the actual Oath or Declaration has not been signed in compliance with 37 CFR 1.63 and 1.64.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[2] MPEP 409.03(b).

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APR 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Charles H. Moore	:	
Application No. 12/272,141	:	DECISION ACCORDING STATUS
Filed: November 17, 2008	:	UNDER 37 CFR 1.47(b)
Attorney Docket No. 0057-053	:	

This is in response to the petition filed February 17, 2010 under 37 CFR 1.47(b).[1]

The petition is **GRANTED**.

The above-identified application was filed on November 17, 2008 without an oath or declaration. Accordingly, on December 2, 2008, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring, *inter alia*, an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The Notice set a two month reply due date.

In response, a petition was filed May 4, 2009 seeking status under 37 CFR 1.47(b) and arguing that the sole inventor refused to sign the declaration. The petition was dismissed in a decision mailed July 17, 2009 because the petition did not include a properly executed oath or declaration.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

---

[1]A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

(5) proof of proprietary interest, and
(6) proof of irreparable damage.

In response to the decision dismissing the petition filed May 4, 2009, petitioner clarifies that an addendum to the oath or declaration executed by F. Eric Saunders VP and Chief Intellectual Property Officer Technology Properties Limited LLC, for the assignee and on behalf of the non-signing inventor, Charles H. Moore, including a statement under 37 CFR 3.73(b) has been presented.

All requirements under 37 CFR 1.47(b) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

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JAN 19 2010

In re Application of	:	
MENKE, Detlef	:	DECISION ON PETITION
Application No. 12/272,219	:	TO MAKE SPECIAL UNDER
Filed: November 17, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 232882	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 17, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be

accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 5 above for the reason as explained in more detail below.

In regard to item 5, it is noted that the instant invention relates to a "PROTECTION SYSTEM FOR WIND TURBINE". The instant petition is accompanied by the statement on the basis for the special status, i.e., the invention "materially contributes to the development of renewable energy resources or energy conservation." As stated in section III of the Notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets the materiality standard.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of correspondence address (form PTO/SB/122) should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Gay Ann Spahn at 571-272-8011.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2839 for action in its regular turn.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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2 CORPORATE DRIVE, SUITE 648
SHELTON, CT 06484

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/272,219	11/17/2008	Detlef Menke	232882	5885

7788 7590 02/24/2010
GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY, NY 12345

EXAMINER
PONOMARENKO, NICHOLAS

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
02/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

In re Application of	:	
Detlef MENKE	:	DECISION ON PETITION
Application No. 12/272,219	:	TO MAKE SPECIAL UNDER
Filed: 17 November 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 232882	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 17 December 2009 and renewed on 03 February 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

COPY MAILED
JAN 29 2010

In re Application of	:	
SUFFIELD, Rachel M.	:	DECISION ON PETITION
Application No. 12/272,232	:	TO MAKE SPECIAL UNDER
Filed: November 17, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 233473	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 14, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be

accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 1 and 5 above for the reason as explained in more detail below.

In regard to item 1, it is noted that this application has been classified in an area (USPC 29/889.7) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

In regard to item 5, it is noted that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of correspondence address (form PTO/SB/122) should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Gay Ann Spahn at 571-272-8011.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3726 for action in its regular turn.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

CC ROGER C. PHILLIPS
GENERAL ELECTRIC COMPANY
GE GLOBAL PATENT OPERATION
P.O. BOX 861
2 CORPORATE DRIVE, SUITE 648
SHELTON, CT 06484

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/272,232	11/17/2008	Rachel M. Suffield	233473	5909

7788 7590 06/29/2010
GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY, NY 12345

EXAMINER
BRYANT, DAVID P

ART UNIT	PAPER NUMBER
3726	

MAIL DATE	DELIVERY MODE
06/29/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

In re Application of	:	
SUFFIELD, RACHEL M.	:	DECISION ON PETITION
Application No. 12/272232	:	TO MAKE SPECIAL UNDER
Filed: Nov. 17, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 233473	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 21, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3726 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

MAILED

JUN 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Charles Bleau et al.	:	
Application No. 12/272,245	:	DECISION ON PETITION
Filed: November 17, 2008	:	TO WITHDRAW
Attorney Docket No. 046660/363336	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 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 Dane A. Baltich and all attorneys/agents of record has been revoked by the assignee of the patent application on May 13, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: John S. Pratt, Esq.
Kilpatrick Stockton, LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/272,245	11/17/2008	Charles Bleau	046660/363336

CONFIRMATION NO. 5929

POWER OF ATTORNEY NOTICE

826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

OC000000042237238

Date Mailed: 06/23/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/13/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

MAILED

MAR 23 2010

OFFICE OF PETITIONS

In re Application of :
Merfeld : ON PETITION
Application No. 12/272,259 :
Filed: November 17, 2008 :
Atty Docket No. 00633-0069002 :

This is in response to the "PETITION UNDER 37 CFR 1.57(a)(3)" filed December 16, 2008, requesting that the above-referenced application be accorded a filing date of November 17, 2008, pursuant to the provisions of 37 CFR 1.57(a). This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

To the extent the instant petition requests a filing date of November 17, 2008 with no drawings present in the application, the petition is **GRANTED**. As discussed below, the amendment to enter the omitted drawings will be considered by the examiner.

Application papers in the above-identified application were deposited on November 17, 2008. However, on December 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; however, the application was deposited without drawings.

In response, applicants timely filed this petition. Applicants state that the drawings were inadvertently omitted, that present

[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.

on the filing date of the application was a claim under 37 CFR 1.78 to parent application Serial No. 11/221,477, and that the inadvertently omitted drawings were filed and are present in the parent application. Applicants request that the claim under 37 CFR 1.78 be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted drawings. The petition includes the omitted drawings and an amendment submitting the omitted drawings.

Petitioner's arguments and evidence have been considered. However, it is controlling that a review of the application confirms that as filed the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). The amendment should be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

No petition is required. The amendment to include the inadvertently omitted drawings will be considered by the examiner.

To the extent the instant petition requests a filing date of November 17, 2008 with no drawings present in the application, the petition is granted.

Given the basis for granting this petition, the petition fee is subject to refund. Accordingly, although authorized, no petition fee is being charged.

The Office of Patent Application Processing has been advised of this decision. Pursuant to this decision, the application has been referred to the Office of Patent Application Processing for:

- **correction of the filing date to November 17, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Entry of the amendment filed December 16, 2008 will be determined by the examiner. In this regard, it is noted that the requirements of 37 CFR 1.57(a) have been met. In addition, the disclosure of the prior-filed application was explicitly incorporated by reference on filing of the application. See 37 CFR 1.182. An amendment to enter drawings properly incorporated by reference pursuant to 37 CFR 1.57(a) or 37 CFR 1.182 does not raise a new matter issue with respect to those drawings.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney, Nancy Johnson at (571) 272-3219.

Anthony Knight
Supervisor
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/272,270	11/17/2008	Kenichi MINOWA	334801US2	5976

EXAMINER

7590 06/23/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
06/23/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
06/24/2009 0030071580

Credit Card Refund Total: $540.00

Ac Exp..: XXXXXXXXXXX1006

Adjustment date: 06/24/2009 NFARMER
11/18/2008 INTEFSW 00001462 12272270
02 FC:1111 -540.00 OP

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

THOMAS KAYDEN HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

In re Application of :
Turgut Aytur et al :
Application No. 12/272,287 : NOTICE
Filed: November 17, 2008 :
Attorney Docket No. 252326-1190

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.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: THADDEUS GABARA
62 BURLINGTON ROAD
MURRAY HILL, NJ 07974

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PATENT LAW PROFESSIONALS
P.O. BOX 612407
SAN JOSE CA 95161

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of
WALSWORTH, Richard et al.
Application No. 12/272,307
Filed: November 17, 2008
Attorney Docket No. **80-048US**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 20, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by William Winters, the sole attorney of record. William Winters has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **RICHARD WALSWORTH**
C/O PANASONIC EMERGIND ADVANCED RF LABORATORY
469 EL. CAMINO REAL, SUITE 202
SANTA CLARA CA 95020

cc: **MATSUSHITA ELECTRIC INDUSTRIAL CO.**
1006 OAZA KADOMA
KADOMA-SHI OSAKA 571-8501
JAPAN

PTO/SB/130 (03-08)
Approved for use through 05/31/2008. OMB 0651- 0031
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12272310	Confirmation Number	6059	Filing Date	2008-11-17
Attorney Docket Number (optional)	226468-1	Art Unit		Examiner	
First Named Inventor	Amad Andarawis Andarawis				
Title of Invention	SYSTEM AND METHOD FOR MEASURING THICKNESS OF A REFRACTORY WALL OF A GASIFIER USING ELECTROMAGNETIC ENERGY				

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
John	Erik	Hershey	

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	/Peter J. Rashid/	Date (YYYY-MM-DD)	2008-11-17
Name	Peter J. Rashid	Registration Number	39464

PTO/SB/130 (03-08)
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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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In re Application of
Emad Andarawis Andarawis

Application No. 12272310

Filed:

Attorney Docket No. 226468-1

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 17-NOV-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/272,328	11/17/2008	George A. Tuszkiewicz	G180.158.102 / 6637-CON1	6095

25281 7590 06/02/2009
DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
06/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS MN 55402

Applicant: Tuszkiewicz et al.
Appl. No.: 12/272,328
Filing Date: November 17, 2008
Title: PORTABLE COOLED MERCHANDIZING UNIT
Attorney Docket No.: G180.158.102 / 6637-CON1
Pub. No.: US 2009/0064687 A1
Pub. Date: March 12, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on May 12, 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). The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 06/03/2009 KKING1
05/13/2009 HDESTA1 00000025 070900 12272328
01 FC:1504 300.00 CR

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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DEC 29 2009

OFFICE OF PETITIONS

In re Application of	:	
WIESMULLER, Andreas et al.	:	
Application No. 12/272,566	:	DECISION ON PETITION
Filed: November 17, 2008	:	TO WITHDRAW
Attorney Docket No. **026970-007511US**	:	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 09, 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 no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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: **ALSTON & BIRD LLP**
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET
SUITE 4000
CHARLOTTE NC 28280-4000

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MIASOLE C/O WAGNER BLECHER LLP
123 WESTRIDGE DRIVE
WATSONVILLE, CA 95076

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AUG 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Jason S. Corneille et al..	:	
Application No. 12/272,600	:	DECISION ON PETITION
Filed: November 17, 2008	:	TO WITHDRAW
Attorney Docket No. MSOLP018	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed June 10, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 70408 has been revoked by the assignee of the patent application on May 18, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272- 4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

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Apple, Inc.
c/o Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

Mail Date: 04/20/2010

Applicant	: Gavin REID	: DECISION ON REQUEST FOR
Patent Number	: 7658626	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/272,653	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DALLAS, TX 75225

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OCT 0 4 2005

OFFICE OF PETITIONS

In re Application of
Zhang and Patel
Application No. 10/775,609
Filed: February 10, 2004
Attorney Docket No. 1578.101
For: Apparatus, and Associated Method, for Facilitating Initiation of Channel . . .

DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed July 11, 2005.

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.

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 petition fee of $200 was charged to petitioner's deposit account on July 12, 2005. However, the fee had been previously charged to the deposit account on March 18, 2005. Therefore, the $200 will be credited back to petitioner's deposit account.

The power of attorney has been entered.

The Office of Initial Patent Examination will be informed of the instant decision so that it may continue to prepare the application for examination.

Telephone inquiries concerning the instant decision should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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OCT 0 4 2005

OFFICE OF PETITIONS

In re Application of
Zhang and Patel
Application No. 10/775,609
Filed: February 10, 2004
Attorney Docket No. 1578.101
For: Apparatus, and Associated Method, for Facilitating Initiation of Channel . . .

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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.

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The Office of Initial Patent Examination will be informed of the instant decision so that it may continue to prepare the application for examination.

Telephone inquiries concerning the instant decision should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/272,676	11/17/2008	Jin-Boo Son	63115/P849	6747

7590 11/03/2009
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
11/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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RAYMOND J. WERNER
2056 NW ALOCLEK DRIVE, SUITE 314
HILLSBORO OR 97124

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OFFICE OF PETITIONS

In re Application of

JOHNSON, Morgan T.
Application No. 12/272,717
Filed: November 17, 2008
Attorney Docket No. **Octavian.P003.C1**

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 February 04, 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 Morgan Johnson, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/272,756	11/17/2008	Rachel Cannara	CH920070092US2/R100020C1	6897

76089 7590 02/03/2009
CARPENTER & ASSOCIATES
5 PIPESTEM COURT
ROCKVILLE, MD 20854

EXAMINER

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
02/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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CST

2/3/09

In re application of
Rachel Cannara et al
Serial No. 12/272,756
Filed: November 17, 2008
For: PROBE-BASED LITHOGRAPHY UTILIZING THERMOMECHANCALLY ACTIVATED POLYMERS

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on November 17, 2008 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **DISMISSED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition, section II, subsections 1-4 and 6, are considered to have been met. However, the petition fails to comply with condition II, subsection 5.

It appears that the search is incomplete. Note that a search in Class 427, subclasses 96.1; 97.3, 98.4, 98.9, 258, 266, 288, 337 and 343, as well as Class 428, subclasses 161, 162, 164, 172, 141 and 210 is also required.

It is further noted that on page 3 of the Accelerated Examination Support Document (AESD), in the discussion of the Allenspach et al reference, petitioner refers to claim 2, however there is only a single claim in the present application.

Also, on pages 6-8 of the AESD, petitioner sets forth wherein the limitations of the present claims are found in parent application 12/110,354. Note, however, that in the first page of the present specification, application sets forth that this is a continuation of 12/100,354. Clarification is required.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is dismissed. The application will therefore be taken up by the examiner 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.
12/272,756	11/17/2008	Rachel Cannara	CH920070092US2/R100020C1	6897

76089 7590 03/12/2009
CARPENTER & ASSOCIATES
5 PIPESTEM COURT
ROCKVILLE, MD 20854

EXAMINER

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
03/12/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MAR 12 2009
M.

CST

In re application of Rachel Cannara et al Serial No. 12/272,756 Filed: November 17, 2008 For: PROBE-BASED LITHOGRAPHY UTILIZING THERMOMECHANCALLY ACTIVATED POLYMERS	:	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the Request for Reconsideration of Petition to Make Special under the Accelerated Examination Program filed on March 5, 2009 to make the above-identified application special.

The petition to make the application special is **GRANTED.**

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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.
12/272,781	11/17/2008	Maha Achour	20784-0011001	6941

20985 7590 12/10/2009
FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
LEE, BENNY T

ART UNIT	PAPER NUMBER
2817	

NOTIFICATION DATE	DELIVERY MODE
12/10/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

Applicant: Achour
Appl. No.: 12/272,781
Filing Date: November 17, 2008
Title: FILTER DESIGN METHODS AND FILTERS BASED ON METAMATERIAL STRUCTURES
Attorney Docket No.: 20784-0011001
Pub. No.: US 2009/0160578 A1
Pub. Date: June 25, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on November 25, 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 documents in paper rather than via the Office 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.

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 12/10/2009 KKING1
11/27/2009 RMEBRAHT 00000036 12272781
01 FC:1505 -300.00 OP

Refund Ref:
12/10/2009 0030077642

Credit Card Refund Total: $300.00

Master C: XXXXXXXXXXXX5198

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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY
12TH FLOOR
NEW YORK, NY 10036

MAILED

JUL 28 2010

OFFICE OF PETITIONS

In re Patent No. 7,627,167	:	
Issue Date: December 1, 2009	:	
Application No. 12/272,850	:	ON PETITION
Filed: November 18, 2008	:	
Attorney Docket No. P-5222-US1	:	

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 patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/272,917	11/18/2008	Masaki OKAMURA	77792/80	7208

23838 7590 06/09/2010
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER
BENSON, WALTER

ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
06/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of	
Masaki OKAMURA	**: DECISION ON REQUEST TO**
Application No.: 12/272,917	**: PARTICIPATE IN THE PATENT**
Filed: 18 November 2008	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 77792/80	**: PROGRAM AND PETITION**
For: BOOSTER CONVERTER	**: TO MAKE SPECIAL UNDER**
CIRCUIT FOR VEHICLES	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 28 May 2010, to make the above-identified application special.

The requirement for the petition fee was waived effective 25 May 2010 as set forth at http://www.uspto.gov/patents/law/notices/75fr29312.pdf. According, the petition fee will be refunded in due course.

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 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);

Conditions (1), (2), and (4) - (6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. For example, claim 1 of the JPO application recites "the booster converter circuit outputs a voltage obtained by adding the induced electromotive force to an output voltage of the battery" while claim 1 of the instant application recites "outputting a voltage based on the electromotive force and the output voltage of the battery." Claim 1 of the instant application is broader than claim 1 of the JPO application. The example above is merely one instance where the claim scopes differ.

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) using the document description: Petition to make special under Patent Pros Hwy. 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/272,917	11/18/2008	Masaki OKAMURA	77792/80	7208

23838 7590 07/08/2010
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER
BENSON, WALTER

ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
07/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of	
Masaki OKAMURA	**: DECISION ON REQUEST TO**
Application No.: 12/272,917	**: PARTICIPATE IN THE PATENT**
Filed: 18 November 2008	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 77792/80	**: PROGRAM AND PETITION**
For: BOOSTER CONVERTER	**: TO MAKE SPECIAL UNDER**
CIRCUIT FOR VEHICLES	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 28 May 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <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);

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

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Alexandria, VA 22313-1450
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LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

COPY MAILED

DEC 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Armand Serfaty	:	
Application No. 12/272,943	:	DECISION ON PETITION
Filed: November 18, 2008	:	
Attorney Docket No. U 017530-0	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed December 10, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 11, 2009. A Notice of Abandonment was mailed August 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Petitioner has submitted an additional $400.00 unnecessary petition fee that will be refunded to petitioner's deposit account in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski

Joan Olszewski
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/272,953	11/18/2008	Eli Gal	W07/040-1	7293

226 7590 02/16/2010
ALSTOM POWER INC.
INTELLECTUAL PROPERTY LAW DEPT.
P.O. BOX 500
WINDSOR, CT 06095

EXAMINER

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
02/16/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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ALSTOM POWER INC.
INTELLECTUAL PROPERTY LAW DEPT.
P.O. BOX 500
WINDSOR CT 06095

FEB 16 2010

In re Application of	:	
Gal et al.	:	DECISION ON PETITION
Application No. 12/272,953	:	TO MAKE SPECIAL UNDER
Filed: 11/18/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **W07/040-1**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/8/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition

must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1797 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/272,983	11/18/2008	Alan William Ferguson	W07/051-1	7352

226 7590 02/16/2010
ALSTOM POWER INC.
INTELLECTUAL PROPERTY LAW DEPT.
P.O. BOX 500
WINDSOR, CT 06095

EXAMINER

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
02/16/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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INTELLECTUAL PROPERTY LAW DEPT.
P.O. BOX 500
WINDSOR CT 06095

FEB 16 2010

In re Application of	:	
Ferguson et al.	:	DECISION ON PETITION
Application No. 12/272,983	:	TO MAKE SPECIAL UNDER
Filed: 11/18/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **W07/051-1**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/8/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **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 95/090.000) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1797 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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United States Patent and Trademark Office
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DICKSTEIN SHAPIRO LLP
1633 Broadway
NEW YORK, NY 10019

Mail Date: 04/20/2010

Applicant	: Wataru Kakinoki	: DECISION ON REQUEST FOR
Patent Number	: 7626127	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/273,094	: 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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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

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APR 15 2010

OFFICE OF PETITIONS

In re Application of	:	
William Thomas McClellan	:	DECISION ON PETITION
Application No. 12/273,109	:	TO WITHDRAW
Filed: November 18, 2008	:	FROM RECORD
Attorney Docket No. P34413	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on February 12, 2010.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted herein cannot be approved at this time since the Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b).

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Petitioner should note that 37 CFR 1.36 states that a registered patent attorney or patent agent who has been given a power of attorney pursuant to § 37 CFR 1.32(b) may withdraw as attorney or agent of record upon application to and approval by the Director.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

In re Application of	:	
William Thomas McClellan	:	DECISION ON PETITION
Application No. 12/273,109	:	TO WITHDRAW
Filed: November 18, 2008	:	FROM RECORD
Attorney Docket No. P34413	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 30, 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 Robert W. Mueller, on behalf of all practitioners of record associated with Customer Number 07055.

Customer Number 07055 has been withdrawn as attorney of record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: W. THOMAS MCCLELLAN, M.D.
MORGANTOWN PLASTIC SURGERY ASSOCIATES
1085 VAN VOOHIS ROAD, SUITE 350
MORGANTOWN, WV 26505

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/273,109	11/18/2008	William Thomas McClellan	P34413

CONFIRMATION NO. 7655

POWER OF ATTORNEY NOTICE

7055
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

OC000000041699895

Date Mailed: 05/19/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/30/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS TX 75380

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JUL 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Gregory GEMOULES et al.	:	
Application No. 12/273,133	:	DECISION ON PETITION
Filed: November 18, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. TRUFORM.002	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed June 10, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on November 18, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 61/004,129, which was filed on November 24, 2007, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

As authorized, the $1,410.00 fee required by 37 CFR 1.78(a)(6)(ii) has been charged to petitioner's Deposit Account.

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 Michelle R. Eason at (571) 272-4231.

Thurman K. Page

Thurman K. Page
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO IL 60610

In re Application of	:	
Grant T. Hoffman, et al.	:	
Application No. 12/273,168	:	DECISION ON PETITION
Filed: November 18, 2008	:	TO WITHDRAW
Attorney Docket No. 8627/2138 (PA-6245-RFB)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 15, 2009.

The request is **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 James P. Naughton on behalf of all attorneys of record who are associated with customer No. 48003. All attorneys/agents associated with the Customer Number 48003 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 the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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: COOK INCORPORATED
750 N. DANIELS WAY
BLOOMINGTON, IN 47404

cc: BUCHANAN INTELLECTUAL PROPERTY
OFFICE, LLC
PO BOX 700
PERRYSBURG, OH 43552-0700

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/273,168	11/18/2008	Grant T. Hoffman	8627/2138 (PA-6245-RFB)

CONFIRMATION NO. 7788

POA ACCEPTANCE LETTER

48003
BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO, IL 60610

OC000000040070859

Date Mailed: 02/08/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/27/2009.

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.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/273,168	11/18/2008	Grant T. Hoffman	8627/2138 (PA-6245-RFB)

CONFIRMATION NO. 7788

POWER OF ATTORNEY NOTICE

48003
BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO, IL 60610

OC000000040070860

Date Mailed: 02/08/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/15/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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SAWYER LAW GROUP LLP
2465 E. Bayshore Road, Suite No. 406
PALO ALTO CA 94303

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OFFICE OF PETITIONS

In re Application of
BRAUN, Jeffrey J. et al.
Application No. 12/273,200
Filed: November 18, 2008
Attorney Docket No. **8-02-13085/4314P**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 23, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Sawyer Law Group LLP has been revoked by the assingee of the patent application on February 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: **STUDEBAKER & BRACKETT PC**
1890 PRESTON WHITE DRIVE
SUITE 105
RESTON, VA 20191

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BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO IL 60610

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In re Application of
Ram H. Paul, Jr., et al.
Application No. 12/273,284
Filed: November 18, 2008
Attorney Docket No. 8627-2139

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 15, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Brinks, Hofer, Gilson & Lione/Chicago/Cook has been revoked by the assignee of the patent application on February 24, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: BUCHANAN INTELLECTUAL PROPERTY
OFFICE, LLC
PO BOX 700
PERRYSBURG, OH 43552-0700

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/273,284	11/18/2008	Ram H. Paul JR.	8627-2139

CONFIRMATION NO. 8024

POWER OF ATTORNEY NOTICE

48003
BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO, IL 60610

OC000000040300585

Date Mailed: 02/25/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/24/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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OFFICE OF PETITIONS

In re Application of	:	
POLE, Robert C. III	:	
Application No. 12/273,314	:	DECISION ON PETITION
Filed: November 18, 2008	:	TO WITHDRAW
Attorney Docket No. **10458-9**	:	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 23, 2009.

The request is **moot** because a revocation of power of attorney has been filed.

A review of the file record indicates that the power of attorney to BRINKS HOFER GILSON & LIONE has been revoked by the assignee of the patent application on July 23, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **BRK BRANDS, INC.**
2381 EXECUTIVE CENTER DRIVE
BOCA RATON, FL 33431

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RIGEL PHARMACEUTICALS INC.
C/O FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

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JUL 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Singh et al.	:	TO WITHDRAW
Application No. 12/273,357	:	FROM RECORD
Filed: October 18, 2008	:	
Attorney Docket No. 064311-1599	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 19, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Gerald F. Swiss on behalf of all attorneys of record who are associated with Customer Number 69588. All attorneys/agents associated with said Customer Number have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee, Rigel Pharmaceuticals, Inc., at the address indicated below.

The application is ready for examination in Technology Center AU 1621.

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: RIGEL PHARMACEUTICALS, INC.
1180 VETERANS BOULEVARD
SOUTH SAN FRANCISCO, CA 94080

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/273,374	11/18/2008	Shigeki Kamimura	8074P524	8182

8791 7590 08/04/2009
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
OMETZ, DAVID LOUIS

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
08/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of	:	
KAMIMURA, SHIGEKI	:	DECISION ON REQUEST TO
Application No. 12/273,374	:	PARTICIPATE IN PATENT
Filed: November 18, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 8074P524	:	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 29, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(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 is deficient as follows:

Since the U.S. Patent and Trademark Office does not have the capability to download JP language documents from the Dossier Access System at this time, petitioner has not complied with item 2 above in that although a translation of the claims has been submitted, the petition fails to include a copy of the actual allowable/patentable claims from the JPO application. Petitioner has to obtain a copy of the actual JPO allowable/patentable claims either from JPO or Applicant and submit via EFS-web.

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 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.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

D.2

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.
12/273,374	11/18/2008	Shigeki Kamimura	8074P524	8182

8791 7590 10/26/2009
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
OMETZ, DAVID LOUIS

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
10/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of	:	
KAMIMURA, SHIGEKI	:	DECISION ON REQUEST TO
Application No. 12/273,374	:	PARTICIPATE IN PATENT
Filed: November 18, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 8074P524	:	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 4, 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 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 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

547 UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

FEB 03 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

In re Application of:
XU, JIANFENG, et al.
Serial No.: 12/273,391
Filed: November 18, 2008

Title: **METHOD AND DEVICE FOR PERFORMING FRAME ERASURE CONCEALMENT ON HIGHER-BAND SIGNAL**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600 Communications

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.
12/273,394	11/18/2008	Katsuaki Okubo	6639P525	8206

7590 09/23/2009
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
LEE, DIANE I

ART UNIT	PAPER NUMBER
2851	

MAIL DATE	DELIVERY MODE
09/23/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Kalette Buchanan

Patent Publication Branch
Office of Data Management

FORM PET650D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/273,394	11/18/2008	Katsuaki Okubo	6639P525	8206

7590 09/23/2009
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
LEE, DIANE I

ART UNIT	PAPER NUMBER
2851	

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.

Patent Publication Branch
Office of Data Management

Adjustment date: 09/23/2009 KKING1
11/19/2008 INTEFSW 00003446 022666 12273394
02 FC:1111 540.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAIL

OCT 2 8 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of KAMIMURA, SHIGEKI Application No. 12/273,404 Filed: August 18, 2008 Attorney Docket No. **6639P527**	: : : : : : :	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 4, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TYCO HEALTHCARE GROUP LP
ATTN: IP LEGAL
5920 LONGBOW DRIVE
MAIL STOP A36
BOULDER CO 80301-3299

MAILED

MAR 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Arts et al.	:	
Application No. 12/273,411	:	ON PETITION
Filed: November 18, 2008	:	
Attorney Docket No. H-US-01081 (1544-40)	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6th Floor
HOUSTON TX 77070

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of Eckhard Alt Application No. 12/273,510 Filed: November 18, 2008 Attorney Docket No. 856-0009USC5	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed March 24, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **FISH & RICHARDSON P.C.**
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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.
12/273,591	11/19/2008	Yoshitaka KATSUME	P35635	8624

7055 7590 04/23/2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
04/23/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of: KATSUME, YOSHITAKA et al Serial No.: 12/273,591 Filed: Nov. 19, 2008 Docket: P35635 Title: ONLINE GAME SYSTEM AND ONLINE GAME PROGRAM	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 21, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h.

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 Dmitry Suhol, the SPE of Art Unit 3714, and 571-272-4430 for Class 463 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

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.
12/273,716	11/19/2008	Yoshinobu Hirose	MNL-2635-692	8858

7590 07/30/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
07/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 08/04/2009 BPOWELL
01/23/2009 SMOHAMME 00000021 12273716
03 FC:1111 -540.00 OP

Adjustment Date: 08/04/2009 BPOWELL
11/21/2007 INTEFSW 00006571 120400 11943744
02 FC:1111 510.00 CR
04 FC:1203 370.00 CR

FORM PET651G (Rev. 08/07)

Adjustment date: 08/04/2009 RPOWELL
01/23/2009 SMOHAMME 00000021 12273716
03 FC:1111 -540.00 OP

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CHOATE, HALL & STEWART, LLP
Two International Place
Boston, MA 02110

MAILED

SEP 29 2009

OFFICE OF PETITIONS

In re Application of	:	
W. Bruce Feller, et al.	:	
Application No. 12/273,770	:	DECISION ON PETITION
Filed: November 19, 2008	:	TO WITHDRAW
Attorney Docket No. 2008819-0001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 26, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John D. Lanza on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Nova Scientific, Inc.**
10 Picker Road
Sturbridge, MA 01566

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/273,770	11/19/2008	W. Bruce Feller	2008819-0001

CONFIRMATION NO. 8969

POWER OF ATTORNEY NOTICE

24280
CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

OC000000038022701

Date Mailed: 09/29/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/26/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/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

5-14-2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7,719,368
Ser. No. : 12/273,913
Inventor(s) : Paul Jeffrey Smith
Issued : November 19, 2008

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.

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 is hereby denied.

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

a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame A request to correct the Assignee under 37 CFR 3.81(b) should include:

C. 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
40l Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust valley, NY 11560

ej

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JUN 1 1 2010

RYAN, MASON & LEWIS, LLP
ATTORNEYS AT LAW
90 FOREST AVENUE
LOCUST VALLEY, NEW YORK 11560
Telephone: (516) 759-2722
Facsimile: (516) 759-9512
Email: wle@rml-law.com

DATE: June 9, 2010	**FILE:** U.S. Patent No. 7,719,368 U.S. Serial No. 12/273,913

Facsimile Message From: **WAYNE L. ELLENBOGEN**

Please deliver the following pages to:

NAME: USPTO
OF: OFFICE OF PETITIONS
FAX NUMBER: ~~(703) 872-9306~~ ~~(571) 273-0025~~ (571) 273-8300
NUMBER OF PAGES INCLUDING THIS COVER PAGE: 7
COMMENTS/INSTRUCTIONS:
Please see attached. Thank you.

If you do not receive all of the pages, please call us back as soon as possible at (516) 759-2722.

THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA U.S. POSTAL SERVICE. THANK YOU.

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08-0474

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): Paul J. Smith et al.
Case: 08-0474
Serial No.: 12/273,913
Filing Date: November 19, 2008
Group: 2817
Examiner: David C. Mis

Patent No.: 7,719,368
Issued: May 18, 2010

Title: Configurable Reset Circuit for a Phase-Locked Loop

REQUEST FOR CORRECTION OF ASSIGNMENT DATA UNDER 37 C.F.R. §3.81(b)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Office of Petitions

Sir:

In accordance with 37 C.F.R §3.81(b), Applicants hereby request correction of the assignment data printed in the above-identified patent.

As shown on the Notice of Recordation of Assignment Document submitted herewith, an assignment of the above-identified application to LSI Corporation, 1621 Barber Lane, Milpitas, California 95035, was recorded in the USPTO at Reel 021860, Frame 0150, on November 19, 2008.

Applicants' failure to include the correct assignment information on the PTOL-85B form was inadvertent and without deceptive intent.

Applicants are submitting herewith the processing fee set forth in 37 C.F.R. §1.17(i).

If this request is granted, Applicants respectfully request that the proposed Certificate of Correction (PTO-1050) submitted herewith be forwarded to the Certificates of Correction Branch, with any fee previously paid on April 14, 2010 applied thereto.

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08-0474

In the event of non-payment or improper payment of a required fee, the Commissioner is hereby authorized to charge or to credit **Ryan, Mason & Lewis, LLP Deposit Account No. 50-0762** as required to correct the error.

Respectfully submitted,

Date: June 9, 2010

Wayne L. Ellenbogen
Attorney for Applicant(s)
Reg. No. 43,602
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-7662

PAGE 3/7 * RCVD AT 6/11/2010 9:41:03 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/27 * DNIS:2738300 * CSID:5167599512 * DURATION (mm-ss):01-52

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,719,368

APPLICATION NO.: 12/273,913

ISSUE DATE : 5/18/2010

INVENTOR(S) : Paul J. Smith et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page:

On page 1, in (73), please delete "Agere Systems Inc., Allentown, PA" and insert --LSI Corporation, Milpitas, CA--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, New York 11560

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

TO:WAYNE L. ELLENBOGEN COMPANY:90 FOREST AVENUE

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

500709223A

NOVEMBER 19, 2008

PTAS

WAYNE L. ELLENBOGEN
90 FOREST AVENUE
RYAN, MASON & LEWIS, LLP
LOCUST VALLEY, NY 11560

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 11/19/2008 REEL/FRAME: 021860/0150
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: 08-0474

ASSIGNOR:
SMITH, PAUL JEFFREY DOC DATE: 11/13/2008

ASSIGNOR:
BRADFIELD, TRAVIS A. DOC DATE: 11/13/2008

ASSIGNOR:
WHITT, JEFFREY K. DOC DATE: 11/12/2008

ASSIGNEE:
LSI CORPORATION
1621 BARBER LANE
MILPITAS, CALIFORNIA 95035

SERIAL NUMBER: 12273913 FILING DATE:
PATENT NUMBER: ISSUE DATE:
TITLE: CONFIGURABLE RESET CIRCUIT FOR A PHASE-LOCKED LOOP

TO:WAYNE L. ELLENBOGEN COMPANY:90 FOREST AVENUE

021860/0150 PAGE 2

ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

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PATENT ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

11/19/2008
500709223

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT

CONVEYING PARTY DATA

Name	Execution Date
Paul Jeffrey Smith	11/13/2008
Travis A. Bradfield	11/13/2008
Jeffrey K. Whitt	11/12/2008

RECEIVING PARTY DATA

Name:	LSI Corporation
Street Address:	1621 Barber Lane
City:	Milpitas
State/Country:	CALIFORNIA
Postal Code:	95035

PROPERTY NUMBERS Total: 1

Property Type	Number
Application Number:	12273913

CORRESPONDENCE DATA

Fax Number: (516)759-9512
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.
Phone: 516 759 2722
Email: NYOFFICE@RML-LAW.COM
Correspondent Name: WAYNE L. ELLENBOGEN
Address Line 1: 90 FOREST AVENUE
Address Line 2: RYAN, MASON & LEWIS, LLP
Address Line 4: LOCUST VALLEY, NEW YORK 11560

ATTORNEY DOCKET NUMBER:	DB-0474
NAME OF SUBMITTER:	Wayne L. Ellenbogen

Total Attachments: 1
source=1150-1676_ASM#page1.tif

OP $40.00 12273913

1 6 MAR 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WYETH
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON, NJ 07940

In re Application of	:	
WILKINSON, et al.	:	DECISION ON PETITION
Application No.: 12/273,917	:	
Filing Date: 19 November 2008	:	UNDER 37 CFR 1.182
Atty. Docket No.: AM102827	:	
For: 39-DESMETHOXY-39-METHYL DERIVATIVES	:	
OF RAPAMYCIN	:	

This is a decision on applicant's "Petition Under 37 C.F.R. 1.182" filed on 04 March 2009 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 28 May 2007, applicant filed international application PCT/GB2007/001875, which claimed priority of an earlier application filed 19 May 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 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 19 November 2008.

On 19 November 2008, applicant electronically filed a utility patent application in the United States via EFS-WEB , which was accompanied by, *inter alia*,: a fee payment of $2744, a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371" (Form PTO-1390) and an Application Data Sheet. The application was processed as a filing under 35 U.S.C. 111(a).

On 23 January 2009, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application."

On 04 March 2009, applicant filed the present petition under 37 CFR 1.182 to convert the application from a U.S. utility application under 35 U.S.C. 111(a) to a U.S. National stage entry under 35 U.S.C. 371.

DISCUSSION

As confirmed in applicant's present filing, applicant's did not select the radio button for filing under 35 U.S.C. 371, but rather used the button for filing a "Utility under 35 USC 111(a)" when electronically filing the above-captioned application on 19 November 2008. The PTO-

1390 transmittal letter and Application Data Sheet did identify the application as a National stage entry of PCT International Application number PCT/GB2007/001875. Thus, it was unclear what type of application applicant was intending to file. Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). (See 37 CFR 1.495(g)). In addition, section 1893.03(a) of the MPEP states that "[i]f there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a)." The use of the "Utility under 35 USC 111(a)" radio button is considered a conflicting instruction. As such, the application was properly treated as an application under 35 U.S.C. 111 and 37 CFR 1.53.

Furthermore, U.S. statutes and regulations do not make specific provision for the requested action and as such, the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (i.e., the loss of patent rights) where no other remedy is available.

Applicant is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, if this application (Application No. 12/273,917) and the international application (PCT/GB2007/001875) designating the United States were copending on 19 November 2008. In order to obtain benefit of the earlier international application, applicant must amend the beginning of the specification of this application by inserting a proper reference to the parent international application. An appropriate passage would be, "This is a continuation of international application PCT/GB2007/001875, filed 28 May 2007 which designated the United States and is now abandoned."

Applicant is reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit a certified copy of the priority document. The certified copy of priority document submitted to the International Bureau for the national stage cannot be relied upon to perfect the claim for priority. See MPEP § 1896.

In addition, applicant is advised that it is possible to revive the present international application in the National Stage in the United States pursuant to 37 CFR 1.137(b). This advice should not be construed as a statement as to whether said petition will be granted.

CONCLUSION

The petition to convert the application from a 35 U.S.C. 111 filing to a national stage application under 35 U.S.C. 371 is **DISMISSED**.

Any further correspondence with respect to this decision should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO IL 60610

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MAR 2 4 2009

OFFICE OF PETITIONS

In re Application of	:	DECISION REFUSING STATUS
Lindsay et al.	:	UNDER 37 CFR 1.47(a)
Application No. 12/273,926	:	
Filed: November 19, 2008	:	
Attorney Docket No. 8627/2136(PA-6225-RFB)	:	

This is in response to the petition under 37 CFR 1.47(a), filed February 23, 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 items (1) and (2) set forth above.

The $200.00 petition fee has been charged to deposit account no. 23-1925.

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 Ashley Lindsay, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing Lindsay. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Lindsay's personnel records and, if so, what does inspection of the records

reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? If all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

A brief Internet search has yielded that the most recent address of inventor Lindsay may be 10486 McClain Drive, Brownsburg, Indiana 46112.

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 t he undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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PO BOX 10395
CHICAGO IL 60610

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JUN 12 2009

OFFICE OF PETITIONS

In re Application of	:	DECISION NOTING JOINDER OF
Lindsay et al.	:	INVENTOR AND PETITION
Application No. 12/273,926	:	UNDER 37 CFR 1.47(a)
Filed: November 19, 2008	:	
Attorney Docket No. 8627/2136(PA-6225-RFB)	:	

Papers filed on April 21, 2009 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed March 24, 2009, included a Declaration signed by a previously non-signing inventor, Lindsay, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to the Office of Patent Application Processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APR 21 2009
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

GREENBERG TRAURIG, LLP
ONE INTERNATIONAL PLACE, 20th FL
ATTN: PATENT ADMINISTRATOR
BOSTON MA 02110

In re Application of:
FEIN, GENE, et al.
Serial No.: 12/273,933
Filed: November 19, 2008

Title: **CODED PULSE DATA TRANSMISSION USING A LOOK-UP TABLE**

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 November 19, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II items 5.2, 5.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following class/ subclasses: 345/60.211; 348/426.1, 478, 537, 589, 642, 801 and 375/238, 241.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5.2 and 5.3 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above; as well as the necessary updated discussion of patentability for each of the dependent claims (or a statement that claims stand or fall together) as set forth above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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

JUN 0 2 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

GREENBERG TRAURIG, LLP
ONE INTERNATIONAL PLACE, 20th FL
ATTN: PATENT ADMINISTRATOR
BOSTON MA 02110

In re Application of:
FEIN, GENE, et al.
Serial No.: 12/273,933
Filed: November 19, 2008

Title: **CODED PULSE DATA TRANSMISSION USING A LOOK-UP TABLE**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

The petition for reconsideration to make the application special filed May 20, 2009 is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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JAN 22 2010

In re Application of	:	
Hajime Sakamoto, et al.	:	
Application No.: 12/273,939	:	ON PETITION
Filed: November 19, 2008	:	
Attorney Docket No.: 330307US40CONT	:	

This is a decision on the petition, filed January 22, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 14, 22009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3729 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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DEC 08 2008

The Law Firm of Andrea Hence Evans, LLC
14625 Baltimore Avenue, #853
Laurel, MD 20707

In re application of Michael Boraas et al. Application No. 12/273,941 Filed: November 19, 2008 For: FORCED EXTENSION CASTER ASSEMBLY	: : : : : :	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

This is a decision on the petition filed on November 19, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and

arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event

may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

TL/tl: 12/08/08

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WYETH
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

In re Application of	:	
WILKINSON et al.	:	
Application No.: 12/273,990	:	DECISION
Attorney Docket No.: AM102828	:	
For: 36-DES(3-METHOXY-4-HYDROXYCYCLO-	:	
HEXYL) 36-(3-HYDROXYCYCLOHEPTYL)	:	
DERIVATIVES OF RAPAMYCIN FOR THE	:	
TREATMENT OF CANCER AND OTHER DISORDERS	:	

This decision is in response to applicants' petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office (USPTO) on 30 January 2009. The petition requests that the instant application be treated as a filing under 35 U.S.C. 371 rather than as a filing under 35 U.S.C. 111(a).

BACKGROUND

On 18 May 2007, applicants filed international application PCT/GB2007/001856, which designated the United States and claimed a priority date of 19 May 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 29 November 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 November 2008.

On 19 November 2008, applicants filed a submission in the USPTO which was accompanied by, *inter alia*, a Transmittal Letter and an Application Data Sheet (ADS).

On 04 December 2008, a Notice was issued by the USPTO which evidenced that the application was treated as having been filed under 35 U.S.C. 111(a).

On 30 January 2009, applicants filed the instant petition to have the application treated as a filing under 35 U.S.C. 371 rather than as a filing under 35 U.S.C. 111(a). The petition has properly been treated as a petition under 37 CFR 1.182.

DISCUSSION

Conflicting Instructions

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.
>
> * * *
>
> If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111.

See also 37 CFR 1.495(g).

The Transmittal Letter and the ADS identified the application as a 371 of international application number PCT/GB2007/001856. However, when filing the application electronically, applicant selected in the Graphical User Interface, the radio button "Utility (Utility under 35 USC 111(a))" rather than the radio button "U.S. National Stage under 35 U.S.C. 371". The selection of the "Utility (Utility under 35 USC 111(a))" button is inconsistent with and contradicts the Transmittal Letter and ADS filed 19 November 2008. Since applicant gave conflicting instructions, the papers were properly considered as having been filed under 35 U.S.C. 111(a).

Petition Under 37 CFR 1.182

The petition fee has been paid. U.S. Statutes and Regulations do not make specific provision for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available. Here, a showing of sufficient cause has not been made.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

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
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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OFFICE OF PETITIONS

BLANCHARD & ASSOCIATES
566 West Adams Street
Suite 600
Chicago, IL 60661

In re Application of	:	
Samuel Chun-Lap Lo, et al.	:	
Application No. 12/273,997	:	DECISION ON PETITION
Filed: November 19, 2008	:	TO WITHDRAW
Attorney Docket No. WKG01_004_US_DIV3	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 20, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Blanchard & Associates has been revoked by the assignee of the patent application on November 2, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **WILKINSON & GRIST**
6TH Floor, Prince's Building
Chater Road, Central
Hong Kong, Hong Kong

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J.C. PATENTS
4 VENTURE, SUITE 250
IRVINE CA 92618

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In re application of :
Chih-Kang Yeh :
Application No. 12/274,001 : NOTICE
Filed: November 19, 2008 :
Attorney Docket No. JCLA28380 :

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. Note 37 CFR 1.28(c)(3)(d). **If this is an incorrect interpretation, applicant must notify the Office in writing.**

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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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PAUL D. YASGER
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A-1
ABBOTT PARK IL 60064-6008

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OFFICE OF PETITIONS

In re Application of	:	
Alan S. Florjancic et al.	:	
Application No. 12/274,105	:	DECISION ON PETITION
Filed: November 19, 2008	:	
Attorney Docket No. 8241USP1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 1, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit a new OATH or DECLARATION (37 CFR 1.63) and a $130 Surcharge late filing fee in a timely manner in reply to the Notice to File Missing Parts under 37 CFR 1.53(b) mailed December 04, 2008, which set a period for reply of two (2) months. No extensions of the time for reply were filed in accordance with 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 05, 2009.

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, (2) the new OATH or DECLARATION (37 CFR 1.63), (3) the petition fee of $1,620; and (4) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts mailed December 04, 2008 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand 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 take 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 of 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Tammara Peyton at (571) 272-6052 or in his absence to the undersigned at (571) 272-3217.

The application is being referred to the Office of Patent Application Processing.

David Bucci
Petitions Examiner
Office of Petitions

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Director's Office
Group 3700

PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD
SUITE 365
HOFFMAN ESTATES IL 60195

In re Application of: HILLMANN, MATTHIAS et al. Serial No.: 12/274146 Filed: November 19, 2008 Title: METHOD FOR DESIGNING A TOOL FOR DEEP DRAWING AND TOOL FOR DEEP DRAWING OF SHEET METAL	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 November 19, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The mailing of a Notice to File Corrected Application Papers on November 28, 2008 is evidence that the application was not complete and in condition for examination at the time of filing.

Note that the policy as published in the Federal Register on June 26, 2006 as outlined on 36326, part VIII, conditions for examination, section (f), conditions for examination include drawings in compliance with 37 CFR 1.84. As the drawings as filed were not in compliance with 37 CFR 1.84 at filing, the application is not considered to be complete under 37 CFR 1.51 and not in condition for examination at the time of filing. Therefore, the application is ineligible for consideration under the accelerated examination program.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

/Ehud Gartenberg/
Ehud Gartenberg
Special Program Examiner
Technology Center 3700

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Group 3700

PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD
SUITE 365
HOFFMAN ESTATES IL 60195

In re Application of: HILLMANN, MATTHIAS et al. Serial No.: 12/274146 Filed: November 19, 2008 Title: METHOD FOR DESIGNING A TOOL FOR DEEP DRAWING AND TOOL FOR DEEP DRAWING OF SHEET METAL	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 November 19, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The mailing of a Notice to File Corrected Application Papers on November 28, 2008 is evidence that the application was not complete and in condition for examination at the time of filing.

Note that the policy as published in the Federal Register on June 26, 2006 as outlined on 36326, part VIII, conditions for examination, section (f), conditions for examination include drawings in compliance with 37 CFR 1.84. As the drawings as filed were not in compliance with 37 CFR 1.84 at filing, the application is not considered to be complete under 37 CFR 1.51 and not in condition for examination at the time of filing. Therefore, the application is ineligible for consideration under the accelerated examination program.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

/Ehud Gartenberg/
Ehud Gartenberg
Special Program Examiner
Technology Center 3700

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HOFFMAN ESTATES IL 60195

Feb 20, 2009

In re Application of: HILLMANN, MATTHIAS et al. Application No.: 12/274146 Filed: 11/19/2008 Title: METHOD FOR DESIGNING A TOOL FOR DEEP DRAWING AND TOOL FOR DEEP DRAWING OF SHEET METAL	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 November 19, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any 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 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.3, 6, 6.1, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.1, 5.2, 6.2, 6.3, 6.4, and 6.5 above.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" herein below, the received papers under consideration include the four page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", the "pre-examination search document" (PESD) including pages 1-3; the "accelerated examination support document" (AESD) comprising pages 1-13, and an Information Disclosure Statement (IDS).

Regarding the requirements of section II element 5.1 and 5.2 outlined above, Petitioner failed to satisfy their requirements because an independent search was not performed. According to the MPEP 708.02(a)I(H)(4) reproduced below:

(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.

....

(4) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements for a preexamination search.

Therefore, submission of the search report provided by the foreign patent office does not satisfy the requirements. In this context it appears that the search outlined in the petition omitted a critical search area by not searching in the following class/subclasses combinations:

703/1, 2, 6 and 7;
72/347-350;
76/107.1

Searching in appropriate subclasses of class 700 also appears on point.

The following comment relates to the possibility that Petitioner may find through the re-opened search new prior art deemed to be more closely related to the claimed invention than the references presently cited or, that upon reconsideration, some references may not be deemed anymore most closely related to the claimed invention.

If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR §10.18, any reference submitted in a

separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

Petitioner's submission is not specific enough. Petitioner points out some limitations of some of the claims and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address each discrete limitation (i.e., each single limitation, NOT multiple limitations bundled together) and state where it is (or state that it is not) found in each one of the most closely related prior art. The requirement of section II element 6.2 can be satisfied by listing verbatim ("copy and paste") all the presently filed claims (i.e., the claims of the instant application) and by indicating where each discrete limitation (without bundling limitations to the extent possible) of each one of said presently filed claims is taught (or is not taught) in each one of the most closely related references that is cited, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating

"(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. Limitations for which antecedent basis has been established and mapped unto the prior art reference need not be mapped repeatedly (the first time suffice). However limitations not disclosed must be specifically singled out (without bundling with disclosed limitations – to the extent possible). Note that disclosure may be express, implicit, or inherent. Claim recitations must be complete. Statements such as "Limitation II(b) – (not disclosed)", i.e., statements that do not spell out the text of the relevant limitations should be avoided. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. The requirement of this element calls for a straight mapping of each single limitation unto the prior art. Section II element 6.2 is not the proper venue to imply patentability by bundling limitations and concluding that the combination is not disclosed. Patentability arguments should be made only in response to the requirement of section II element 6.3.

With respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each one of the claims is patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. The requirement of section II element 6.3 can be satisfied by indicating for each one of the presently filed claims (i.e., the claims of the instant application) which specific i.e., discrete limitation(s) in each one of said presently filed claims define(s) over each one of the most closely related references that is cited. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. Patentability arguments must specifically spell out the relevant limitation(s); prior art patents can be referred to by the last name of the first inventor. Statements such as "Reference A does not teach limitation II(b)" will suffice, as long as the name of "Reference A" and the text of the clause and/or the text of the specific "limitation II(b)" are fully spelled out in the statement. Lack of obviousness analysis for combining two or more references should be performed when a "most closely related prior art" reference indicates reasons for such combination. A conclusion statement should concisely explain what Petitioner believes to be THE limitation(s) that defines the claimed invention over the prior art, accompanied by a pointed explanation, if needed. With regard to each dependent claim, there should be an unequivocal statement whether the patentability of each dependent claim is predicated solely on that of the claim from which it depends (e.g., "Dependent claim X is patentable solely because of the limitations of the claims from which it depends" - will suffice), or Applicant should provide a detailed explanation of patentability specific to that particular claim (only if the claim recites new limitations that further define over the prior art).

Regarding the requirements of section II element 6.4 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating

the utility to each of the independent claims as is required by the policy. Petitioner should reference each independent claim specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met because lack of specificity. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies figures and portions of text with respect to claim numbers as opposed to the disclosure of the required claim limitations, addressed individually for each limitation in each claim. The requirement of section II element 6.5 can be satisfied by listing verbatim all the presently filed claims (by "copy and paste") and by indicating where the instant application (and separately each one of the priority documents – if applicable) teaches each discrete limitation (without bundling limitations to the extent possible) in each one of said presently filed claims, by indicating the element number and/or the relevant page and line numbers. To the extent possible, Petitioner should indicate the enablement location in the specification as required by statute, i.e., "the manner and process of making and using it," rather than pointing to the first occurrence of establishing antecedent for the limitation in the specification. For this reason Petitioner should indicate, to the extent possible, the combination of the element, figure, page, (or paragraph), and line numbers in the specification where the mapped limitation is actually taught and enabled. If the application(s) for which domestic priority is claimed is/are identical to the present application, a statement to the effect that they are "substantially identical" in lieu of the required additional mapping is acceptable. Petitioner's attention is also drawn to the requirements relevant under 35 U.S.C 112, 6th paragraph, listed above. Should this requirement not apply to the present application, Petitioner should make a statement in this regard (requirement presently satisfied).

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828.

Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

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April 23, 2009

In re Application of: HILLMANN, MATTHIAS et al. Application No.: 12/274146 Filed: 11/19/2008 Title: METHOD FOR DESIGNING A TOOL FOR DEEP DRAWING AND TOOL FOR DEEP DRAWING OF SHEET METAL	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 application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

Ehud Gartenberg

Ehud Gartenberg, Special Programs Examiner
Technology Center 3700

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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

In re Application of: LI et al.
Serial No.: **12/274,243**
Filed: November 19, 2008
Docket: 128503.0111
For: SYSTEM AND METHOD FOR DETECTING, COLLECTING, ANALYZING, AND COMMUNICATING EVENT RELATED INFORMATION

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on November 19, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the published "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The mailing of a Notice to File Missing Parts mailed on November 28, 2008 is evidence that the application was incomplete and not in condition for examination at the time of filing. The signature of

the inventor(s) is missing from the oath or declaration making the application not in condition for examination at the time of filing.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/thn/

Beatriz Prieto

Beatriz Prieto, WQAS
Technology Center 2400
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/274,243	11/19/2008	Peter Chao-Yuan Li	128503.0111	9862

27557 7590 03/30/2009
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EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
03/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/274,243	11/19/2008	Peter Chao-Yuan Li	128503.0111	9862

27557 7590 05/04/2009
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WASHINGTON, DC 20037

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
05/04/2009	PAPER

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WASHINGTON DC 20037

In re Application of: LI, Peter Chao-Yuanl, et.al.
Appl. No.: **12/274,243**
Filed: November 19, 2008
For: SYSTEM AND METHOD FOR DETECTING, COLLECTING, ANALYZING, AND COMMUNICATING EVENT RELATED INFORMATION

DECISION ON PETITION UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 4/03/09, to expunge information submitted pursuant to MPEP § 724.02.

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) will be charged from Applicant's account.

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.

/Beatriz Prieto/

Beatriz Prieto, WQAS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/274,243	11/19/2008	Peter Chao-Yuan Li	128503.0111	9862

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EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
05/20/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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In re Application of: Li, et al.
Serial No.: **12/274,243**
Filed: November 19, 2008
Atty Docket No.: 128503.0111
Title: SYSTEM AND METHOD FOR DETECTING, COLLECTING, ANALYZING, AND COMMUNICATING EVENT RELATED INFORMATION

DECISION ON RECONSIDERATION OF DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 8, 2009 to reconsider the petition decision mailed March 30, 2009 regarding accelerated examination procedure under 37 C.F.R. § 1.102(d).

The Request for Reconsideration is **GRANTED**.

RELEVANT PROSECUTION HISTORY

November 19, 2008	The Applicant filed the Petition for Accelerated Examination.
November 28, 2008	The Office issued a Notice of Missing Parts.
January 5, 2009	The Office issued a Letter Regarding a New Status of the Application, which disregarded the Notice of Missing Parts.
March 30, 2009	The Office issued a Petition Decision denying the Petition to Make Special on the grounds of the application being incomplete due to the Notice of Missing Parts.

DECISION

The Letter filed by the Office on January 5, 2009 indicated to both the applicant and the Office to disregard the Notice of Missing Parts filed on November 28, 2008. As result the application is considered complete at the time of filing and the Petition Decision filed March 30, 2009 improperly denied the Petition to Make Special filed on November 19, 2008.

The Petition Decision filed March 30, 2009 is hereby **WITHDRAWN** and the Petition to Make Special is reconsidered.

The petition to make the application special is GRANTED as the new Pre-Examination Support Document filed May 14, 2009 meets the requirements of the accelerated examination program.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support

document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/kb/

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Networking, Multiplexing, Cable and Security

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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.
12/274,243	11/19/2008	Peter Chao-Yuan Li	128503.0111	9862

27557 7590 06/26/2009
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
06/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Michael C. Greenbaum
BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

MAILED

JUN 26 2009

TECHNOLOGY CENTER 2100

In re Application of: LI, Peter et. al.
Application No. **12/274,243**
Filed: November 19, 2008
Docket No. 128503.0111
Title: 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 the renew petition under 37 CFR § 1.59(b), filed on June 10, 2009, to expunge information from the above identified application.

The petition is **GRANTED**.

Petitioner requests that the references cited on the Information Disclosure Statement (IDS), submitted on April 3, 2009, be expunged from the record. Petitioner states that the information cited on the IDS contains trade secrets and/or proprietary material which has not been made public. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

The expunged material has been destroyed, the artifact folder closed and therefore the material will not be returned.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

If attempts to reach the undersigned by telephone are unsuccessful, Beatriz Prieto, Quality Assurance Specialist, can be reached at (571) 272-3902.

/pl/

/Kim Huynh/

Kim Huynh,
Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

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SEP 29 2009

OFFICE OF PETITIONS

Clements Bernard PLLC
1901 Roxborough Road
Suite 250
Charlotte, NC 28211

In re Application of	:	
D. Lorenzo Matthews, Sr.	:	
Application No. 12/274,246	:	DECISION ON PETITION
Filed: November 19, 2008	:	TO WITHDRAW
Attorney Docket No. 4749	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 25, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Lawrence A. Baratta, Jr. on behalf of all attorneys/agents associated with customer number 22474. All attorneys/agents associated with customer number 22474 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be to the address copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: D. Lorenzo Matthews, Sr.
13016 Eastfield Road, Suite 200-220
Huntersville, NC 28078

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/274,246	11/19/2008	D. Lorenzo MATTHEWS SR.	4749

CONFIRMATION NO. 9867

POWER OF ATTORNEY NOTICE

22474
Clements Bernard PLLC
1901 Roxborough Road
Suite 250
Charlotte, NC 28211

OC000000038021246

Date Mailed: 09/28/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/25/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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TOWNSEND AND TOWNSEND AND CREW LLP/ 015114
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: David Jefferson	: DECISION ON REQUEST FOR
Patent Number	: 7606081	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/274,304	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/19/2008	: 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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KAREN A. REX
950 GEMINI, SUITE 6
HOUSTON TX 77058

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MAR 0 2 2009

OFFICE OF PETITIONS

In re Application of

EARP, Danny
Application No. 12/274,308
Filed: November 19, 2008
Attorney Docket No. **DE-400u**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 28, 2009.

The request is **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 Karen Rex on behalf of all attorneys of record who are associated with customer No. 33193. All attorneys/agents associated with the Customer Number 33193 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 Danny Earp 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: **DANNY EARP**
2900 EAST X STREET
LA PORTE TX 77571

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APR 20 2010

OFFICE OF PETITIONS

Patrick Neil SWARTZ
31907 Calle El Potrero
Pauma Valley CA 92061

In re Application of	:	
Patrick Neil Swartz	:	
Application No. 12/274,354	:	DECISION ON PETITION
Filed: November 20, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. PA-001	:	

This is a decision on the petition, filed January 12, 2010 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 November 19, 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 July 22, 2010 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being forwarded to Technology Center Art Unit 2832 for examination in due course.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/274,354	11/20/2008	Patrick Neil SWARTZ	PA-001

CONFIRMATION NO. 1086

Patrick Neil SWARTZ
31907 Calle El Potrero
Pauma Valley, CA 92061

NONPUBLICATION RESCISSION LETTER

OC000000041142327

Date Mailed: 04/15/2010

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 07/22/2010.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Jun URAKAWA	: DECISION ON REQUEST FOR
Patent Number	: 7633735	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/274,391	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/20/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Toshiaki TAKATA	: DECISION ON REQUEST FOR
Patent Number	: 7619491	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/274,411	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/20/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

DEC 23 2008

In re Application of: QUIRINO, RICHARD N. et al.
Serial No.: 12/274431
Filed: November 20, 2008
Title: OCCUPANT CONTROLLED ENERGY MANAGEMENT SYSTEM AND METHOD FOR MANAGING ENERGY CONSUMPTION IN A MULTI-UNIT BUILDING

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 November 20, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The mailing of a Notice to File Corrected Application Papers on December 1,

2008 is evidence that the application was not complete and in condition for examination at the time of filing.

Note that the policy as published in the Federal Register on June 26, 2006 as outlined on 36326, part VIII, conditions for examination, section (f), conditions for examination include drawings in compliance with 37 CFR 1.84. As the drawings as filed were not in compliance with 37 CFR 1.84 at filing, the application is not considered to be complete under 37 CFR 1.51 and not in condition for examination at the time of filing. Therefore, the application is ineligible for consideration under the accelerated examination program.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

Ehud Gartenberg

Ehud Gartenberg
Special Program Examiner
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/274,431	11/20/2008	Richard N. Quirino	INC0037USC	1206

23413 7590 04/28/2009
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
DECADY, ALBERT

ART UNIT	PAPER NUMBER
2121	

NOTIFICATION DATE	DELIVERY MODE
04/28/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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CANTOR COLBURN, LLP
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In re Application of: QUIRINO, RICHARD et al. Serial No.: 12/274,431 Filed: November 20, 2008 Docket: INC0037USC Title: OCCUPANT CONTROLLED ENERGY MANAGEMENT SYSTEM AND METHOD FOR MANAGING ENERGY CONSUMPTION IN A MULTI-UNIT BUILDING	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 November 20, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

It is noted that the petition was previously denied in a decision mailed on December 23, 2008. In the decision, it was noted that the application was not complete for examination at the time of filing, citing the Notice to file Corrected Papers mailed by the Office on December 1, 2008. However, a review of the record indicates that a letter was mailed to the Applicant on December 3, 2008 advising the Applicant to disregard the Notice of December 1, thereby acknowledging that the previous Notice was sent in error. Therefore the record shows that the application was in fact complete for examination at the time of filing, and the petition has been reviewed on merits.

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1–I.4, II.5.1, II.5.2, II.5.3, II.6.1, II.6.4, and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.6.2, II.6.3, and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP§ 708.02(a)(I.)(I)(2) and item 6.2 above, the Petitioner must provide an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

In this instance, the Petitioner has not clearly identified the claim limitations believed to be disclosed by the references. For example, the Petitioner refers to "actuations of the first actuator" and "actuations of the second actuator" when referring to claims 1 and 9; however, this does not correspond to the language of both claims 1 and 9. Claims 1 and 9 refer to "occupant instructions" and "an actuation of the actuator" but there is not recitation corresponding to "actuations of the first actuator" or "actuations of the second actuator". Therefore, it is unclear whether the cited references teach the entirety of the limitation or only a portion of the claim limitation. The Petitioner must **specifically identify each claim limitation or portion of each claim limitation that are disclosed** along with the corresponding disclosure within the reference, citing to specific relevant portions of each reference. Correction is required.

Regarding the requirement of MPEP§ 708.02(a)(I.)(I)(3) and item 6.3 above, the Petitioner should provide a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c).

37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited."

In light of the deficiencies noted with respect to item 6.2 above, the Petitioner has not clearly pointed out the patentable novelty the claims present in view of the state of the art disclosed by the cited references. Further, the Petitioner states claims 2, 4, and 5 do not include subject matter distinguished from the references to Teti or Gugenheim; however, it appears the cited references teach the features of claims 2, 4, and 5 as identified by the Petitioner in section 9B of the Accelerated Examination Support Document. Therefore, it is not clear if the features of claims 2, 4, and 5 are taught by the cited references or are pertinent to the patentable novelty of the claims. Clarification is required.

Regarding the requirement of MPEP§ 708.02(a)(I.)(I)(5) and item 6.5 above, the Petitioner must provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification and 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.

In this instance, several of the cited portions of the written description of both the instant application and the application to which benefit is claimed do not support the subject matter claimed. For example, in claim 1, the "preselected schedule" is not supported by the cited portions of either application. Further, the "networking unit" and "exterior indicator" features do not appear to be fully supported by the cited portions. The portion of claim 3 reciting, "in an event the appliance consumes less energy when operating in the first mode as compared to the second mode" does not appear to be supported by paragraph [0061]. Also, the Petitioner has not identified where support exists in the application to which benefit is claimed for claim 3. Further, claims 4-7 do not appear to be supported by the cited portions of the applications. Claim 8 appears to lack support in the cited portions of the both the instant and the

parent applications for the "preselected schedule", "networking unit", and "monitor" features. Similarly, the "preselected schedule" and "networking unit" features of claim 9 do not appear to be supported by the cited portions of both applications' written description. Petitioner must provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the instant specification and the parent application. Correction is required.

Thus, the petition does not meet the condition II.6.2, II.6.3, and II.6.5 above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719.

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/274,431	11/20/2008	Richard N. Quirino	INC0037USC	1206

23413 7590 06/02/2009
CANTOR COLBURN, LLP
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Hartford, CT 06103

EXAMINER
DECADY, ALBERT

ART UNIT	PAPER NUMBER
2121	

NOTIFICATION DATE	DELIVERY MODE
06/02/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

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In re Application of: QUIRINO, RICHARD et al. Serial No.: 12/274,431 Filed: November 20, 2008 Docket: INC0037USC Title: OCCUPANT CONTROLLED ENERGY MANAGEMENT SYSTEM AND METHOD FOR MANAGING ENERGY CONSUMPTION IN A MULTI-UNIT BUILDING	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 May 8, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition submitted on November 20, 2008 was initially dismissed on April 28, 2008.

The petition to make the application special is **GRANTED**.

REVIEW OF FACTS

The conditions I1-I4, II1-II4, II5.1-II5.3, II.6.1-II6.6 above are met. Therefore, the petition meets the required conditions to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

DECISION

For the above-stated reasons, the petition is **Granted**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal

examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719.

_____
Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

MAILED

JUL 07 2010

OFFICE OF PETITIONS

In re Application of :
Xiangfei He, et al. :
Application No.: 12/274,494 : ON PETITION
Filed: November 20, 2008 :
Attorney Docket No.: CU-7138 WWP :

This is a decision on the petition, filed July 6, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 16, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2883 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/274,543	11/20/2008	Roger Hsu	OJO-CAM-US-CIP-1	1446

69107 7590 01/06/2009
AGNEW INTERNATIONAL
PATENT & TRADEMARK LAW FIRM
1300 BRISTOL STREET NORTH
SUITE 100
NEWPORT BEACH, CA 92660

EXAMINER	
ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
01/06/2009	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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CST

01/06/09

In re application of :
Roger Hsu :
Serial No. 12/274,543 : DECISION ON PETITION
Filed: November 20, 2008 : TO MAKE SPECIAL
For: LAYERED LENSES AND METHOD :
OF LAYERING LENSES

This is a decision on the petition filed on November 20, 2008 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was not in condition for examination. Note, specifically, the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed on November 28, 2008, which indicates that the application was not in condition for examination at the time of filing.

MPEP 708.02(a), section VIII further states:

> The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (e.g., a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (subsection II above) does not apply to applications that are not in condition for examination on filing.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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WILMINGTON DE 19805

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OFFICE OF PETITIONS

In re Application of
ANDRI E. ELIA ET AL.
Application No. 12/274,544
Filed: November 20, 2008
Attorney Docket No. **AD7592USNA**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 3, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 3, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three (3) months extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is May 4, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110 extension of time fee submitted with the petition on June 3, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

This application is being referred to Technology Center AU 1796 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

JoAnne Burke
Petitions Examiner
Office of Petitions

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Paper No.

3M INNOVATIVE PROPERTIES
COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

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OCT 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Scott Purrington and	:	
Frank Roppolo	:	DECISION REFUSING STATUS
Application No. 12/274,557	:	UNDER 37 CFR 1.47(a)
Filed: November 20, 2008	:	
Attorney Docket No. 64820US002	:	

This is a decision on the "PETITION UNDER 37 CFR §1.47" filed April 3, 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 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on November 20, 2008, without an oath or declaration. Accordingly, on December 8, 2008, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and payment of the surcharge for late filing under § 1.16(f). This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a).

In response, rule 47 applicants timely filed the instant petition, along with payment of the petition fee and of the late surcharge; and a declaration executed by joint inventor

Purrington on behalf of himself and on behalf of non-signing inventor Roppolo. On petition, applicants assert that status under § 1.47(a) is proper because inventor Roppolo refuses to join in the application.

A grantable petition under 37 C.F.R. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirements (1) and (2).

The petition includes payment of the petition fee and states the last known address for non-signing inventor Roppolo.

However, with respect to requirement (1) above, rule 47 applicants have not submitted adequate proof that non-signing inventor Roppolo refuses to sign the declaration after having been presented with the application papers (specification, claims and drawings). As stated in MPEP 409.03(e):

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP §106. It is reasonable to require that the inventor be presented with the application papers before a

> petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

In this instance, applicant has alleged refusal to join in the application without an adequate showing that the application papers were presented to the nonsigning inventor for signature. First, of all, the statements on petition as to the refusal are not clearly made by the person to whom the refusal was made. Attorney for applicant states that Mr. Roppolo had conversations with applicants' attorney and other personnel at the 3M company and indicated that he would not sign the above-noted

application. The attorney signing the petition does not state that he was that attorney, and more importantly, does not state the facts of the oral refusal along with the time and place of that refusal.

More importantly, applicant does not provide any documentary evidence to support the facts alleged in the petition (i.e. copies of transmittal letters, e-mails). Attorney for applicant states his assistant sent an e-mail to inventor Roppolo requesting information needed for completing the declaration. Attorney states that in a subsequent e-mail letter to a 3M employee, inventor Roppolo stated that he would not sign off on the patent application. However, the petition does not include copies of the e-mail sent and the e-mail response. It is unclear whether the e-mail only requested information (such as the citizenship of the inventor) or whether the application papers were also transmitted. These e-mails could possibly evidence that all of the papers were presented to inventor Roppolo and he reviewed them and thereafter, refused to join in the application.

However, absent inclusion of such documentary evidence, there is not an adequate showing that inventor Roppolo has refused to join in the application after having been presented the application papers. There is merely a conclusion that an e-mail was sent to inventor Roppolo and he responded negatively to that e-mail. If the application papers are presented to an inventor by e-mail, the showing on petition to be persuasive must be sufficient to show that inventor Roppolo received and was able to review the email. Ordinarily, such showing includes a copy of the transmission to the inventor, as well as, a response by inventor Roppolo clearly acknowledging his receipt and review of the application papers (i.e., a return e-mail in which he states he reviewed the papers and refuses to sign).

Further, if the application papers were never sent to inventor Roppolo, at least a *bona fide* attempt to present the application papers to the inventor must be made before it can be concluded that the inventor has refused to join in the application.

On renewed petition, an adequate showing of the unavailability of inventor Roppolo to join in the application, consistent with the guidance set forth in MPEP 409.03(e) reiterated above and the deficiencies noted in this decision, is required.

With respect to requirement (2) above, the declaration submitted is unacceptable as it is not in compliance with 37 CFR 1.63(a)(3). The declaration is properly executed by inventor Purrington on behalf of himself and on behalf of non-signing inventor Roppolo in compliance with 37 CFR 1.47. However, the declaration omits the country of citizenship of inventor Roppolo. The requirement to set forth the citizenship of all inventors on the declaration is statutory, 35 U.S.C. 115. See MPEP 605.01. As the requirement is statutory, it cannot be waived. Further it cannot be corrected by way of submission of a supplemental application data sheet or by way of alteration of the declaration of record. (The application filed must be the application executed by the applicant and it is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the applicant. See MPEP 605.04(a)). A newly executed declaration is required.

On renewed petition:

- adequate proof of the refusal of inventor Roppolo to join in the application is required;
- a newly executed declaration in compliance with 37 CFR 1.63 and 35 U.S.C. 115 is required.

Alternatively, on renewed petition, if inventor Ruppolo decides to join in the application, applicant may submit a declaration in compliance with 37 CFR 1.63 and 35 U.S.C. 115 executed by inventor Ruppolo in response to this decision.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions
ATTN: NANCY JOHNSON

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit their response to this decision via EFS-Web.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
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

Paper No.

3M INNOVATIVE PROPERTIES
COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

COPY MAILED
FEB 01 2010

In re Application of	:	
Scott Purrington and	:	
Frank Roppolo	:	DECISION ACCORDING STATUS
Application No. 12/274,557	:	UNDER 37 CFR 1.47(a)
Filed: November 20, 2008	:	
Attorney Docket No. 64820US002	:	

This is a decision on the "Request for Reconsideration of Petition Under 37 CFR §1.47(a)" filed December 28, 2009.

The petition is **GRANTED**.

The above-identified application was filed on November 20, 2008, without an oath or declaration. In response to the "Notice to File Missing Parts of Nonprovisional Application" mailed December 8, 2008, applicants filed the initial petition under 37 CFR 1.47(a) on the basis that inventor Roppolo refused to join in the application. By decision mailed October 28, 2009, the petition was dismissed for failure to submit (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); or (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116.

On instant renewed petition, applicants submitted additional evidence of inventor Roppolo's refusal to join in the application, along with a newly executed declaration signed by inventor Purrington on behalf of himself and on behalf of inventor Roppolo. The additional evidence has been reviewed and found adequate to show that inventor Roppolo has refused to join in the application after having been presented with the application papers.

The declaration filed December 28, 2009, has been reviewed and found in compliance with § 1.63. Applicants previously paid the petition fee and stated the last known address of inventor Roppolo.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MR. FRANK ROPPOLO
P.O. Box 33427
ST. PAUL, MN 55133-3427

In re Application of	:	
Scott Purrington and	:	
Frank Roppolo	:	LETTER
Application No. 12/274,557	:	
Filed: November 20, 2008	:	
Attorney Docket No. 64820US002	:	

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JAN 29 2010

Dear Mr. Roppolo:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HEMINGWAY & HANSEN, LLP
COMERICA BANK TOWER SUITE # 2500
1717 MAIN STREET
DALLAS TX 75201

MAILED

JUL 06 2010

OFFICE OF PETITIONS

In re Application of	:	
ARROYO, Hector M. et al.	:	
Application No. 12/274,594	:	DECISION ON PETITION
Filed: November 20, 2008	:	TO WITHDRAW
Attorney Docket No. **MCDS 00101 PTUS**	:	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 26, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH,15TH FLOOR
NEW YORK, NY 10016

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DEC 22 2008

In re Application of	:	
JACOBS, et al.	:	
Application No. 12/274,752	:	DECISION ON PETITION
Filed: November 20, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **JAO-6**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 20, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the statement of inventor Kenneth M. Jacobs, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-2800.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 2851 for action on the merits commensurate with this decision.

/Monica A. Graves/
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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DICKSTEIN SHAPIRO LLP
1633 Broadway
NEW YORK, NY 10019

Mail Date: 04/20/2010

Applicant	: Masamichi Ando	: DECISION ON REQUEST FOR
Patent Number	: 7605678	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/274,883	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/20/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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P.O. Box 1450
Alexandria, VA 22313-1450
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BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304

MAILED

MAY 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Hamid Namaky	:	
Application No. 12/274,891	:	DECISION ON PETITION
Filed: November 20, 2008	:	
Attorney Docket No. 87355.9662	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 1, 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 February 12, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed November 12, 2009. Accordingly, the date of abandonment of this application is February 13, 2010. A Notice of Abandonment was mailed on March 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 $1,510 and the publication fee of $300, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
2000 MARKET STREET
TENTH FLOOR
PHILADELPHIA PA 19103

COPY MAILED

APR 13 2009

OFFICE OF PETITIONS

In re Application of	:	
EGENDORF, Harris H.	:	
Application No. 12/274,949	:	DECISION ON PETITION
Filed: November 20, 2008	:	TO WITHDRAW
Attorney Docket No. **37521.00002**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 20, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Perry M. Fonseca on behalf of all attorneys of record who are associated with customer No. 29880. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Harris H. Egendorf at the address indicated below.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **HARRIS H. EGENDORF**
8016 BUSTLETON AVENUE
PHILADELPHIA, PA 19152-2802

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APR 21 2010

OFFICE OF PETITIONS

BASF AG
CARL-BOSCH-STRASSE 38
6700 LUDWIGSHAFEN
RHEINLAND-PFATZ D-67056 67056 DE GERMANY

In re Application of	:	
James W. Taylor et al.	:	
Application No. 12/274,975	:	DECISION ON PETITION
Filed: November 20, 2008	:	
Attorney Docket No. 018894-0292	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 8, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 9, 2009. A Notice of Abandonment was mailed on January 12, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110 extension of time fee submitted with the petition on January 12, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1796 for appropriate action by the Examiner in the normal course of business on the reply received January 12, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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.
12/275,019	11/20/2008	Hakan THYSELL	335283US8CONT	1334

EXAMINER

7590 10/16/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

ART UNIT	PAPER NUMBER
3657	

NOTIFICATION DATE	DELIVERY MODE
10/16/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Furmes

Patent Publication Branch
Office of Data Management

Refund Ref:
10/15/2009 0030075579

Credit Card Refund Total: $270.00

Acct Exp...: XXXXXXXXXXXX1002

Adjustment date: 10/15/2009 NFARMER
11/21/2008 INTEFSW 00003119 12275019
02 FC:2111 -270.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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SoCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE CA 91362

MAILED

JUL 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Blumenkranz, Robert M.	:	
Application No. 12/275,139	:	ON PETITION
Filed: November 20, 2008	:	
Attorney Docket No. M017-P08651US	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 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 from the applicant's attorney, Michael D. Harris. 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 2817 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JUN 03 2009

OFFICE OF PETITIONS

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of
Singh, Gurney, Burgin, Sandanayaka, Kiselyov,
Motta, Schiltz, Hategan, Hagen
Application No.: 12/275,163
Filed: November 20, 2008
Attorney Docket No. 2391.025A
For: BIARYL PDE4 INHIBITORS FOR TREATING INFLAMMATORY, CARDIOVASCULAR AND CNS DISORDERS

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed May 5, 2009.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on November 20, 2008, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on December 9, 2008, allowing a shortened period for reply of two months from its mailing date and requiring a properly executed oath or declaration to be filed. The instant petition was filed on May 9, 2009, with a request for an extension of time within the third month.

Petitioner has shown that inventor Motta has constructively refused to 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.

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

1 2 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
ROSS	:	DECISION ON
Application No.: 12/275,173	:	
Filing Date: 20 November 2008	:	
Attorney's Docket No.: 20325-0002002	:	
For: UV STERILIZATION OF USER INTER-	:	37 CFR 1. 137(b)
FACE FOMITES	:	

This is a decision 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 (USPTO) on 20 November 2008.

BACKGROUND

On 01 March 2007, applicant filed international application PCT/US07/63100. The application claimed priority of a U.S. application filed on 17 May 2006. Thus, the deadline for entry into the U.S. national stage and filing the basic national fee was thirty months from the priority date or 17 November 2008.

On 20 November 2008, applicant filed a utility patent application transmittal letter in United States along with the petition to revive. The transmittal letter was accompanied by, *inter alia*, the utility filing fee. The transmittal letter did not request commencement of U.S. national procedures under 35 U.S.C. 371 but indicated that the petition to revive was submitted "for the sole purpose of establishing co-pending status with the Continuation Application identified above."

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 "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to this paragraph was unintentional"; and (4) if applicable, any terminal disclaimer and fee required pursuant to 37 CFR 1.137(b).

The transmittal letter filed on 20 November 2008 did not identify the application as a national stage application being filed under 35 U.S.C. 371 but requested filing under 37 CFR 1.53 as a continuation application of pending international application PCT/US07/63100. The application is considered filed under 35 U.S.C. 111(a). Accordingly, the original papers deposited on 20 November 2008 were properly accepted as a filing under 35 U.S.C. 111(a). Since the application is deemed to have been filed under 35 U.S.C. 111(a), international application PCT/US07/63100 became abandoned as to the United States of America after midnight on 17 November 2008 for failure to pay the basic national fee.

On 20 November 2008, applicant also filed a petition under 37 CFR 1.137(b) to revive international application PCT/US07/63100 as to the United States abandoned under 35 U.S.C. 371(d). The filing of the present continuing application under 35 U.S.C. 111(a) is accepted as the appropriate response under 37 CFR 1.137(b). See MPEP § 711.03(c).

All of the requirements of 37 CFR 1.137(b) for revival have been submitted. Applicant's statement that "the entire period of delay was unintentional" is interpreted as meaning "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) 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.

International application PCT/US07/63100 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application 12/275,173.

The specification and claims filed on 20 November 2008 complete the requirements for a filing date under 35 U.S.C. 111(a). Accordingly, these applications will be accorded a filing date of 20 November 2008.

Applicant is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, since this application (Serial No. 12/275,173) and the international application (PCT/US07/63100) designating the United States were copending on 20 November 2008.

CONCLUSION

Applicant's petition to revive under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to Office of Initial Patent Examination for further processing. The application will then be examined in due course.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Joseph IANNELLI, Sr.

Application No. 12275197

Filed:

Attorney Docket No. IA-080505

: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 20-NOV-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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CASH KLEMCHUK POWERS TAYLOR LLP
CAMPBELL CENTRE II
8150 NORTH CENTRAL EXPRESSWAY, SUITE 1575
DALLAS, TX 75206

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APR 15 2009

OFFICE OF PETITIONS

In re Application of Mahan, Jr. et al. :
Application No. 12/275,207 :
Filing Date: November 21, 2008 :
Attorney Docket No. 0754.0004 :

Decision on Petition

This is a decision on the petition filed December 31, 2008, to accord the above-identified application a filing date of November 20, 2008.

The petition is **dismissed**.

Facts

Application papers were deposited on November 20, 2008. The Electronic Acknowledgment Receipt issued in response to receipt of the papers indicates the papers consisted of:

(1) Transmittal sheet (1 page),
(2) Power of Attorney (1 page),
(3) Oath or Declaration (1 page),
(4) Power of Attorney (2 pages),
(5) Information Disclosure Statement Letter (1 page),
(6) Information Disclosure Statement (2 pages),
(7) Foreign Reference (19 pages),
(8) Application Data Sheet (2 pages),
(9) Assignee Showing of Ownership (1 page), and
(10) Fee Worksheet (1 page).

The file record includes the items above.

Additional application papers were filed November 21, 2008. The Electronic Acknowledgment Receipt issued in response to receipt of the papers indicates the papers consisted of:

(1) Specification (49 pages),
(2) Claims (5 pages),
(3) Abstract (1 page), and
(4) Information Disclosure Statement (1 page).

The file record includes the items above.

For unknown reasons, the Office mailed two Notices of Incomplete Nonprovisional Application on December 23, 2008. The first Notice stated a filing date had not been assigned to the application because a specification had not been filed and because one or more claims had not been filed. The second Notice stated a filing date had not been assigned to the application because drawings had not been filed.

The petition asserts all the necessary parts of the application were filed November 20, 2008. Petitioner states, on November 20, 2008, both the Office's EFS-web filing system and petitioner were experiencing technical issues which petitioner believes caused a glitch with the transmission of the filing documents.

Discussion

In order to be accorded a filing date of November 20, 2008, petitioner must prove a specification and at least one claim was filed with the Office on November 20, 2008. The showing of record is insufficient to prove a specification or a claim was filed November 20, 2008. In this case, both the Office's official file record for the application and the Electronic Acknowledgment receipt indicate neither a specification nor a claim was filed November 20, 2008.

Although petitioner has not shown petitioner is entitled to a filing date of November 20, 2008, the Office will accord the application a filing date of November 21, 2008. The file record demonstrates a specification, claims, and abstract were filed November 21, 2008. Although the papers filed November 21, 2008, did not include drawings, a review of the application indicates the Office should not require drawings for a filing date because the claims included at least one method claim and MPEP 601.01(f) states,

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

The Office notes, during examination, if the examiner determines drawings are necessary under 35 U.S.C. 113, he may reconsider the filing date issue and have the Office of Patent Application Processing mail a Notice of Incomplete Application. See MPEP 601.01(f).

Petitioner should file a supplemental decision based solely on the application papers filed November 20, 2008, and November 21, 2008. In other words, the supplemental decision should indicate the applicants wish to rely on the application without the drawings for purposes of the original disclosure for the application.

Petitioner has filed an amendment to add the omitted drawings. The examiner will consider the amendment for new matter in due course.

Since the application has not been accorded a filing date of November 20, 2008, the petition fee will not be refunded.

The Office of Patent Application Processing will be informed of the instant decision and will further process the application with a filing date of November 21, 2008, using the application papers filed November 20, 2008, and the 55 pages of specification, including 5 pages of claims and 1 page of abstract, filed November 21, 2008.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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RAYMOND J. WERNER
2056 NW ALOCLEK DRIVE
SUITE 314
HILLSBORO, OR 97124

MAILED

MAR 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Morgan T. Johnson	:	
Application No. 12/275,226	:	DECISION ON PETITION
Filed: November 21, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. Octavian,P006.D1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 12, 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 referred back to the Office of Patent Application Processing for pre-examination of reply to the Notice to File Missing Parts (Notice) mailed December 9, 2008. This application will be accorded "special" status once pre-examination processing is complete.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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James David Johnson, P.A.
401 East Las Olas Boulevard
Suite 130-290
Fort Lauderdale FL 33301

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OCT 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert J. Hales	:	
Application No. 12/275,267	:	DECISION ON PETITION
Filed: November 21, 2008	:	TO WITHDRAW
Attorney Docket No. 43571-0010	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 24, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by James David Johnson on behalf of all attorneys/agents associated with customer number 43463. All attorneys/agents associated with customer number 43463 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 at the address is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Robert J. Hales
c/o Hal-Tec Engineering, Inc.
405 North Reo Street, Suite 240
Tampa, FL 33609

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/275,267	11/21/2008	Robert J. Hales	43571-0010

CONFIRMATION NO. 1766

POWER OF ATTORNEY NOTICE

43463
James David Johnson, P.A.
401 East Las Olas Boulevard
Suite 130-290
Fort Lauderdale, FL 33301

OC000000038246098

Date Mailed: 10/13/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/24/2009.

- 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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4417 LANCASTER PIKE
WILMINGTON DE 19805

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FEB 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Mikhail R. Levit	:	
Application Number: 12/275279	:	
Filed: 11/21/2008	:	DECISION ON PETITION
Attorney Docket Number:	:	
HT4610USNA	:	

This is a decision on the "PETITION UNDER 37 CFR 1.57(a)," filed on January 15, 2009, requesting that the above-identified application be accorded a filing date of November 21, 2008.

BACKGROUND

On November 21, 2008, the application was deposited. The application papers consisted of, *inter alia*, 17 pages of written description, two (2) pages containing nine (9) claims, and an Application Data Sheet (ADS) including a claim of benefit to prior-filed Application No. 61/005,071.

Accordingly, on December 10, 2008, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." An executed oath or declaration was also required.

On January 15, 2009, the present petition was filed, along with an executed declaration. Petitioner requests a filing date of November 21, 2008, because the application claims the benefit of prior-filed Application No. 61/005,071, which contains the inadvertently omitted drawings. A preliminary amendment including a copy of the drawings present on filing in the prior-filed provisional application has also been provided with the petition.

Relying on §1.57(a), applicant asserts that the drawings are effectively incorporated by reference.

OPINION

37 CFR 1.57 states, in pertinent part:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ...
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by

way of a petition pursuant to this paragraph, accompanied by the fee set forth in § 1.17(f).

A review of the application as filed reveals that it included, in the Application Data Sheet present on filing, a claim to the benefit of prior-filed Application No. 61/005,071. Authorization to charge the petition fee has also been provided in the subject petition. Furthermore, the petition is accompanied by a preliminary amendment adding the omitted drawings.

In view thereof, the petition under § 1.57(a) is **GRANTED**. The amendment will be entered in due course.

Receipt of the $400.00 petition fee is acknowledged.[1]

This application is being forwarded to the Office of Patent Application Processing (OPAP) for according of a filing date of **November 21, 2008**, using the application papers received in the Office on that date and the two (2) sheets of drawings submitted with the present petition, and for an indication in Office records that two (2) sheets of drawings were present on filing.

The application is referred to the Office of Patent Application Processing for further processing with a filing date of **November 21, 2008**. Applicant will receive appropriate notification regarding the fees owed, if any, and other information in due course from OPAP.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

Anthony Knight
Supervisor
Office of Petitions

[1] The fee transmittal sheet filed with the subject petition did not include counsel's deposit account number. Nevertheless, as the Electronic Acknowledgement Receipt filed with the application papers on November 21, 2008 includes authorization to charge any additional fees required under 37 CFR 1.17, the fee will be charged to counsel's deposit account in accordance with the authorization provided on November 21, 2008.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/275,296	11/21/2008	Kenji MIZUMOTO	333846US0CONT	1813

22850 7590 11/23/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
MCCORMICK, MELENIE LEE

ART UNIT	PAPER NUMBER
1655	

NOTIFICATION DATE	DELIVERY MODE
11/23/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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NOV 2 3 2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of:	:
Mizumoto et al.	:
Serial No.: 12/275,296	: PETITION DECISION
Filed: November 21, 2008	:
Attorney Docket No.: **333846US0CONT**	:

This is in response to the petition filed November 13, 2009 under 37 CFR § 1.181, requesting that the non-final Office action of October 1, 2009 be vacated.

BACKGROUND

The examiner mailed a final non-final Office action of October 1, 2009 setting a three month statutory limit for reply. In this action, the examiner rejected claims 1-12, 15 and 17 on the ground of nonstatutory obviousness-type double patenting over claims 1-14 of 7,563,458. Claims 1-18 were also rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-2, 25-29, 32-34 and 37-38 of copending application 10/487,237, now allowed. Claims 1-12, 15 and 17 were also rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-10 of copending application 12/475,482. Claims 1-18 were also rejected under 35 USC 103 (a) as being unpatentable over Wilbert et al. in view of Kawai et al., Sugiyama et al. and Hotamisligil et al.

In response thereto, applicants filed this petition on November 13, 2009 under 37 CFR § 1.181, requesting that the non-final Office action of October 1, 2009 be vacated.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed on November 13, 2009, applicants argue that "The Office Action did not consider a Request for Reconsideration that was filed with the filing of the above-identified continuation application, which Request for Reconsideration was of the Final Rejection dated November 19, 2007 in parent application No. 10/487,237."

Applicants' argument is not persuasive because what is clearly being asked for is a reconsideration of the rejections in a different application from the instant 12/275,296 application. That different application, 10/487,237, does not have any pending rejections (the application is allowed and thus prosecution is closed) so there are no rejections to be reconsidered and thus the request for reconsideration is moot. In so far as the arguments were submitted in the parent application, they were considered/addressed in the parent application. Even if the examiner were to reconsider the rejections again in the parent case 10/487,237, there is nothing to be done in that application because it has been allowed.

Applicants are trying to prosecute a different application in the instant application which is not proper. Accordingly, applicants' argument is not found persuasive and the non-final Office action of October 1, 2009 will not be vacated.

DECISION

The petition is **DENIED.**

Any new or renewed petition must be filed within TWO MONTHS of the mail date of this decision.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Remy Yucel
Director, Technology Center 1600

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HOUSTON ELISEEVA
4 MILITIA DRIVE, SUITE 4
LEXINGTON MA 02421

In re Application of: PAH, GUNNAR M. Application No.: 12/275420 Filed: November 21, 2008 Title: DEVICE FOR FILTERING OF BLOOD DURING REMOVAL OF HEART VALVE STENOSIS AND METHOD OF REMOVING HEART VALVE STENOSIS	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 November 21, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any 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 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.1, 5.3, 6, 6.1, 6.4, 6.5, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 6.2, 6.3, 6.4, and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" herein below, the received papers under consideration include the four page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", the "pre-examination search document" (PESD) including pages 1-8; the "accelerated examination support document" (AESD) comprising pages 1-45, and an Information Disclosure Statement (IDS).

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 604 subclasses 104-109 (in entirety). Petitioner should also look into class 623 (in particular throughout the first three main subclasses, as well as throughout the Cross-Reference Art Collections and the Foreign Art Collections for subclasses that appear to be on point. The following terms search should also be performed:
Subclasses with text:
606/191-199 and any combination of filter, occluder, emboli, embolic, embolism, thrombosis, thrombism, thrombic, thrombus
623/1.11, 1.12 and filter, occluder

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this*

portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.

Petitioner's submission is not specific enough. Petitioner points out some limitations of some of the claims and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address <u>each discrete limitation</u> (i.e., each single limitation, NOT multiple limitations bundled together) and state where it is (<u>or state that it is not</u>) found in each one of the most closely related prior art. For example, on p. 25 of the AESD, with respect to Universitaetsklinikum Freiburg, Petitioner maps (partially) only claims 9 and 17. The requirement of section II element 6.2 can be satisfied by listing verbatim ("copy and paste") all the presently filed claims (i.e., the claims of the instant application) and by indicating where <u>each discrete limitation</u> (without bundling limitations to the extent possible) of each one of said presently filed claims is taught (or is not taught) in <u>each one</u> of the most closely related references that is cited, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. Limitations for which antecedent basis has been established and mapped unto the prior art reference need not be mapped repeatedly (the first time suffice). However limitations not disclosed must be specifically singled out (without bundling with disclosed limitations – to the extent possible). Note that disclosure may be express, implicit, or inherent. Claim recitations must be complete. Statements such as "Limitation II(b) – (not disclosed)", i.e., statements that do not spell out the text of the relevant limitations should be avoided. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. The requirement of this element calls for a straight mapping of each single limitation unto the prior art. Section II element 6.2 is not the proper venue to imply patentability by bundling limitations and concluding that the combination is not disclosed. Patentability arguments should be made only in response to the requirement of section II element 6.3.

The following comment relates to the possibility that Petitioner may find through the re-opened search new prior art that is deemed to be more closely related to the claimed invention than the references cited or, that upon reconsideration, some references may not be deemed most closely related to the claimed invention, as originally deemed.

<u>If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD.</u>

With respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each one of the claims is patentable over (each of) the

reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, Petitioner bundled old prior art and new limitations, thus lacking specificity. In addition, petitioner failed to argue the patentability of the dependent claims. For these reasons, the petition does not meet the requirement of section II, element 6.3. The requirement of section II element 6.3 can be satisfied by indicating for each one of the presently filed claims (i.e., the claims of the instant application) which specific i.e., discrete limitation(s) in each one of said presently filed claims define(s) over each one of the most closely related references that is cited. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. Patentability arguments must specifically spell out the relevant limitation(s); prior art patents can be referred to by the last name of the first inventor. Statements such as "Reference A does not teach limitation II(b)" will suffice, as long as the name of "Reference A" and the text of the clause and/or the text of the specific "limitation II(b)" are fully spelled out in the statement. Lack of obviousness analysis for combining two or more references should be performed when a "most closely related prior art" reference clearly indicates reasons for such combination. With regard to each dependent claim, there should be an unequivocal statement whether the patentability of each dependent claim is predicated solely on that of the claim from which it depends (e.g., "Dependent claim X is patentable solely because of the limitations of the claims from which it depends" - will suffice), or Applicant should provide a detailed explanation of patentability specific to that particular claim (only if the claim recites new limitations that further define over the prior art).

Regarding the requirements of section II element 6.4 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating the utility to each of the independent claims as is required by the policy. Petitioner should reference each independent claim specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met because lack of specificity. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies figures and portions of text with respect to claim numbers as opposed to the disclosure of the required claim limitations, addressed individually for each limitation in each claim. Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds specific support (i.e., page and line numbers and element number) under 35 U.S.C. 112, first paragraph, in the written description of the specification, and in each application that the present application claims the benefit of domestic priority. The present petition only

identifies figures and portions of text in the instant application only with respect to claim numbers as opposed to the required claim limitations.

The requirement of section II element 6.5 can be satisfied by listing verbatim all the presently filed claims (by "copy and paste") and by indicating where the instant application (and separately each one of the priority documents – if applicable) teaches each discrete limitation (without bundling limitations to the extent possible) in each one of said presently filed claims, by indicating the element number and/or the relevant page and line numbers. To the extent possible, Petitioner should indicate the enablement location in the specification as required by statute, i.e., "the manner and process of making and using it," rather than pointing to the first occurrence of establishing antecedent for the limitation in the specification. For this reason Petitioner should indicate, to the extent possible, the combination of the element, figure, page, (or paragraph), and line numbers in the specification where the mapped limitation is actually taught and enabled. For example, with respect to p. 44 of the AESD, the mapping of claim 20, a complying show of support would be: ... "before the filter 5 is retracted into the filter catheter 2, inflating the seal element 15 [0041], ll. 1-4, etc." If the application(s) for which domestic priority is claimed is/are identical to the present application, a statement to the effect that they are "substantially identical" in lieu of the required additional mapping is acceptable. Petitioner's attention is also drawn to the requirements relevant under 35 U.S.C 112, 6th paragraph, listed above. Should this requirement not apply to the present application, Petitioner should make a statement in this regard (requirement presently satisfied.).

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828.

/Ehud Gartenberg/
Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

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HOUSTON ELISEEVA
4 MILITIA DRIVE, SUITE 4
LEXINGTON MA 02421

March 13, 2009

In re Application of: PAH, GUNNAR M. Application No.: 12/275420 Filed: 11/21/2008 Title: DEVICE FOR FILTERING OF BLOOD DURING REMOVAL OF HEART VALVE STENOSIS AND METHOD OF REMOVING HEART VALVE STENOSIS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on January 29, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

Ehud Gartenberg

Ehud Gartenberg, Special Programs Examiner
Technology Center 3700

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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

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OFFICE OF PETITIONS

In re Application of :
Dietrich M. Gross, et al. :
Application No. 12/275,456 : DECISION ON PETITION
Filed: November 21, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 339658-00014 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 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 under 37 CFR 1.102(c)(1) 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 applicants attorney that he is in possession of evidence of applicant Deitrich Gross' age. Accordingly, the above-identified application has been accorded "special" status.

This is also a decision on the petition under 37 CFR 1.102(c)(2)(ii), filed November 26, 2008, to make the above-identified application special based on the invention materially contributing to the development or conservation of energy resources as set forth in M.P.E.P. § 708.02, Section VI.

The petition under 37 CFR 1.102(c)(2)(ii) is **DISMISSED as moot**.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/275,488	11/21/2008	Toshiya Shibata	1033228-000204	2157

7590 07/26/2010
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
SY, MARIANO ONG

ART UNIT	PAPER NUMBER
3657	

NOTIFICATION DATE	DELIVERY MODE
07/26/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref: 07/23/2010 [illegible]

Adjustment date: 07/23/2010 [illegible]
[illegible] INTERSW [illegible] 12275488
02 FC:1111 -540.00 OP

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/275,513	11/21/2008	Kazushige Okumoto	MNL-2635-693	2209

7590 01/08/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
ANDREWS, MICHAEL

ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
01/08/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/21/2010 [illegible]

Credit Card Refund Total: $540.00

MM Exp.: [illegible]

Adjustment date: 01/11/2010 NFARMER
11/21/2008 INTEFSW 00010520 12275513
02 FC:1111 -540.00 OP

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Jones & Smith, LLP
2777 Allen Parkway, Suite 800
Houston, TX 77019-2141

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OFFICE OF PETITIONS

In re Application:
Henry Gohlke et al.
Application No. 12/275,577
Filed: November 21, 2008
Attorney Docket No. 041443-01301

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 17, 2009. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

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DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

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JUN 14 2010

OFFICE OF PETITIONS
ON PETITION

In re Application of
Betty Bellman
Application No. 12/275,644
Filed: November 21, 2008
Attorney Docket Number: B1042.0005/1CP1

This is a decision on the petition, filed May 17, 2010 under 37 CFR 1.137(b)[1], to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned May 6,2010 for failure to pay the issue fee in response to the Notice of Allowance mailed on February 5, 2010. Accordingly, the Notice of Abandonment was mailed on May 20, 2010, after the filing of the instant petition.

The issue fee in the amount of $755.00, publication fee in the amount of $300 and the petition fee in the amount of $810 have been charged to the credit card provided.

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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Himanshu S. Amin
AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 East 9TH Street
Cleveland OH 44114

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OFFICE OF PETITIONS

In re Application of :
Mizuguchi, Randolph, Hamilton, He, Liu, Lin, Yi, Kathawala, :
Joshi, Chang, Runnion, Lee, Chung, Liu, Sun :
Application No.: 12/275,663 : DECISION ACCORDING
Filed: November 21, 2008 : RULE 47(a) STATUS
Attorney Docket No: **AF03034/SPSNP1244US** :
For: **APPLYING NEGATIVE GATE VOLTAGE TO WORDLINES ADJACENT TO WORDLINE ASSOCIATED WITH READ OR VERIFY TO REDUCE ADJACENT WORDLINE DISTURB**

This is in response to the petition under 37 CFR 1.47(a), filed June 8, 2009.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on November 21, 2008, without a properly executed declaration. On December 8, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring, a proper declaration and payment of a surcharge, payment of the. The instant petition was filed responsively on June 8, 2009, with a request for an extension of time within the fourth month.

Petitioner has shown that inventors Randolph, Hamilton, and Runnion have refused to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing 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.

K.A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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SUITE 1600
CHICAGO IL 60603-3406

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DEC 29 2009

OFFICE OF PETITIONS

In re Application of	:	
KURET, Jeff et al.	:	
Application No. 12/275,742	:	DECISION ON PETITION
Filed: November 21, 2008	:	TO WITHDRAW
Attorney Docket No. **6842/93836**	:	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 16, 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 act (2) noted in the above-identified certifications have been performed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **NEURONAUTICS, INC. C/O SAM KHATAMI**
485 RAVINE DRIVE
HIGHLAND PARK IL 60035

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180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

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JAN 25 2010

Applicant: Chevrier, et al.
Appl. No.: 12/275,804
Filing Date: November 21, 2008
Title: METHODS AND COMPOSITIONS FOR USE IN TREATMENT OF PATIENTS WITH AUTOANTIBODY POSITIVE DESEASE
Attorney Docket No.: 704062
Pub. No.: 2009/0081231 A1
Pub. Date: March 26, 2009

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on May 26, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein some of the benefit claim data is not printed.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the benefit claim. The benefit claim provided by Applicant on page 1 of the specification, which states "This patent application is a continuation of copending U.S. Patent Application No. 12/186,404 filed August 5, 2008, which is a Divisional of U.S. Patent Application No. 11/543,024, filed October 5, 2006, which is abandoned. This application claims the benefit of U.S. Provisional Application 60/735,967, filed November 14, 2005 . . ."

[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 Data Sheet (ADS) submitted on filing also indicated that the instant application claimed the benefit of the earlier filed provisional application

The initial filing receipt did not include the provisional applications because the filing date of the provisional application is more than one year prior to the filing date of the application.

The Corrected Filing Receipt mailed by the Office on June 5, 2009 in response to applicant's second request for a Corrected Filing Receipt, which was filed with the amendment to the specification that amended the benefit claim was done in error. A new Corrected Filing Receipt deleting the reference to the provisional applications will be mailed by the Office.

On December 17, 2008, a Filing Receipt was mailed by the Office, which listed the benefit claim. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on May 26, 2009, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

Pursuant to 37 CFR 1.78(a)(2), the specific reference must identify the parent application by application number and indicate the relationship to the parent application (i.e., "continuation" or "continuation-in-part"). Accordingly, any benefit claim that does not both identify a prior application by its application number and specify a relationship between the applications will not be considered to contain a specific reference to a prior application as required by 35 U.S.C. 120. As stated in MPEP 201.11, applicant must specify whether the application is a continuation, divisional, or continuation-in-part of the prior application. The terms are exclusive. An application cannot be both a continuation and a divisional or a continuation and a continuation-in-part of the same application. Moreover, if the benefit of more than one nonprovisional application is claimed, then the relationship between each application (i.e., continuation, divisional, or continuation-in-part) must be specified in order to establish copendency throughout the entire chain of prior-filed applications.

In order to make a late benefit claim to the earlier filed applications, applicant may be able to submit a petition to accept an unintentionally delayed claim under 35 U.S.C. 119 and 120 for the benefit of the earlier filed applications. A petition pursuant to 37 CFR 1.55 or 37 CFR 1.78 must include 1) the surcharge ($1410) set forth in 37 CFR 1.14(t) and 2) a statement that the entire delay between the date the claim was due under paragraph (a)(5) of this section and the date the claim was filed was unintentional. The petition must also include a proper reference to the prior applications in order for the petition to be granted.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or to the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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Leydig, Voit & Mayer Ltd.
Two Prudential Plaza - Suite 4900
180 North Stetson Avenue
Chicago IL 60601-6731

MAILED

APR 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Chevrier et al.	:	
Application No. 12/275,804	:	DECISION ON PETITION
Filed: November 21, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 704062	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed February 8, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional applications set forth in the concurrently filed supplemental ADS.

The petition is **GRANTED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, a nonprovisional application claiming the benefit of the prior-filed provisional applications must have been filed within twelve months of the filing date of the prior-filed provisional applications.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled

to the benefit of the filing date of the prior-filed 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. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 1649 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional applications.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/275,804	11/21/2008	1649	2464	704062	37	4

CONFIRMATION NO. 2756

CORRECTED FILING RECEIPT

73326
Leydig, Voit & Mayer Ltd.
Two Prudential Plaza - Suite 4900
180 North Stetson Avenue
Chicago, IL 60601-6731

OC000000040962552

Date Mailed: 04/05/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Marc Chevrier, Severna Park, MD;
William W. Freimuth, Gaithersburg, MD;
Zhenshao Zhong, North Potomac, MD;
Daniel Odenheimer, Rockville, MD;
Melissa D. Perkins, Germantown, MD;

Assignment For Published Patent Application

Human Genome Sciences, Inc., Rockville, MD

Power of Attorney: The patent practitioners associated with Customer Number 73326

Domestic Priority data as claimed by applicant

This application is a CON of 12/186,404 08/05/2008
which is a DIV of 11/543,024 10/05/2006 ABN
which claims benefit of 60/725,625 10/13/2005
and claims benefit of 60/735,967 11/14/2005
and claims benefit of 60/776,664 02/27/2006
and claims benefit of 60/781,387 03/13/2006
and claims benefit of 60/787,557 03/31/2006
and claims benefit of 60/797,360 05/04/2006
and claims benefit of 60/814,870 06/20/2006
and claims benefit of 60/815,558 06/22/2006
and claims benefit of 60/815,827 06/23/2006
and claims benefit of 60/834,150 07/31/2006
and claims benefit of 60/725,626 10/13/2005
and claims benefit of 60/735,988 11/14/2005
and claims benefit of 60/776,665 02/27/2006

and claims benefit of 60/797,351 05/04/2006
and claims benefit of 60/814,869 06/20/2006
and claims benefit of 60/815,559 06/22/2006
and claims benefit of 60/834,152 07/31/2006
and claims benefit of 60/725,627 10/13/2005
and claims benefit of 60/735,964 11/14/2005
and claims benefit of 60/776,658 02/27/2006
and claims benefit of 60/725,629 10/13/2005
and claims benefit of 60/735,963 11/14/2005
and claims benefit of 60/776,660 02/27/2006
and claims benefit of 60/725,628 10/13/2005
and claims benefit of 60/735,987 11/14/2005
and claims benefit of 60/776,659 02/27/2006

Foreign Applications

If Required, Foreign Filing License Granted: 12/15/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/275,804**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHODS AND COMPOSITIONS FOR USE IN TREATMENT OF PATIENTS WITH AUTOANTIBODY POSITIVE DISEASE

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application

serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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10 ST. JAMES AVENUE
BOSTON MA 02116-3889

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MAY 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Richard TITLE, et al	:	
Application No. 12/275,838	:	NOTICE
Filed: November 21, 2008	:	
Attorney Docket No.	:	
110595.00166/CAM920095003		

This is in response to the paper filed April 8, 2010, under 37 CFR 1.28(g)(2) requesting that status as a Small Entity be removed.

In accordance with the request, status as a Small Entity has been removed.

This file is being forwarded to Technology Center Art Unit 2189.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

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11TH FLOOR, SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA PA 19103-2212

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
John Karpowicz, et al.	:	
Application No. 12/275,876	:	DECISION ON PETITION
Filed: November 21, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. B1256/20055 (2C)	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 6, 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 John R. Boehringer. 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 3761 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/275,890	11/21/2008	Bharat S. Bagepalli	235582	2950

7788 7590 02/18/2010
GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY, NY 12345

EXAMINER
LOOK, EDWARD K

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
02/18/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

In re Application of	:	
BAGEPALLI, BHARAT S. et al	:	DECISION ON PETITION
Application No. 12/275,890	:	TO MAKE SPECIAL UNDER
Filed: Nov. 21, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 235582	:	PILOT PROGRAM
Title: SPINNER-LESS HUB ACCESS AND LIFTING SYSTEM FOR A WIND TURBINE		

This is a decision on the petition under 37 CFR 1.102, filed December 28, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice

before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item(s) #1 and #5.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 416/061) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

In regard to item 5, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. The statement provided fails to explain how the present invention materially contributes to the development of renewable energy resources or energy conservation.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. The application is being forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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DICKINSON WRIGHT, PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON, DC 20006

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JUL 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Robert Schimpe	:	DECISION ON PETITION
Application No. 12/275,915	:	TO WITHDRAW
Filed: November 21, 2008	:	FROM RECORD
Attorney Docket No. 2007P04277	:	

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 31, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on June 24, 2010 the power of attorney was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

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In re Application of
Ronald Bel

Application No. 12275968

Filed: November 21,2008

Attorney Docket No. 746-RB

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 24-MAY-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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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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OFFICE OF PETITIONS

In re Application of
Solheid, et al.
Application No.: 12/276,005
Filed: November 21, 2008
Attorney Docket No.: 02316.2518USU1
For: FIBER DISTRIBUTION HUB WITH MULTIPLE CONFIGURATIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.47(a), filed July 9, 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 must include an oath or declaration executed by the available inventors. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the petition fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (2) above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented.

The declaration filed on July 9, 2009 contains the following language: "...I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application...."

The declaration filed on July 9, 2009 fails to comply with 37 CFR 1.63. It does not include the express language set forth in 37 CFR 1.63(b)(3). A supplemental oath or declaration pursuant to 37 CFR 1.67 signed by the available inventors is required.

An oath or declaration in compliance with 37 CFR 1.63 and1.64 signed by the Rule 1.47 applicant on behalf of the non-signing inventor is REQUIRED. See MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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OCT 13 2009

OFFICE OF PETITIONS

In re Application of
Solheid, et al.
Application No.: 12/276,005
Filed: November 21, 2008
Attorney Docket No.: 02316.2518USU1
For: FIBER DISTRIBUTION HUB WITH MULTIPLE CONFIGURATIONS

CORRECTED DECISION ON PETITION GRANTNG STATUS UNDER 37 CFR 1.47(A)

This is a decision on the petition under 37 CFR 1.47(a), filed July 9, 2009. The decision of September 21, 2009 is hereby vacated.

The petition is **granted**.

Petitioners have shown that the non-signing inventor, Nick Maaske, 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 A.U. 2883 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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NICK MAASKE
8680 MAGNOLIA TRAIL
ENED PRARIE MN 55344

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OCT 13 2009

OFFICE OF PETITIONS

In re Application of
Solheid, et al.
Application No.: 12/276,005
Filed: November 21, 2008
Attorney Docket No.: 02316.2518USU1
For: FIBER DISTRIBUTION HUB WITH MULTIPLE CONFIGURATIONS

LETTER

Dear Mr. Maaske:

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: MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/276,071	11/21/2008	NOAM SLONIM	IL920080118US1	3308

75339 7590 06/02/2009
PATENTS ON DEMAND, P.A.-IBM ACCSPP
4581 WESTON ROAD
SUITE 345
WESTON, FL 33331

EXAMINER
VINCENT, DAVID ROBERT

ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
06/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PATENTS ON DEMAND, P.A.-IBM ACCSPP
4581 WESTON ROAD
SUITE 345
WESTON FL 33331

In re Application of: Noam Slonim et al. Serial No.: 12/276,071 Filed: November 21, 2008 Docket: IL920080118US1 Title: SUGGESTING A RELATIONSHIP FOR A NODE PAIR BASED UPON SHARED CONNECTIONS VERSUS TOTAL CONNECTIONS	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 November 21, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719. If attempts to reach the undersigned by telephone are unsuccessful, Mano Padmanabhan, Quality Assurance Specialist, can be reached at (571) 272-4210.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/276,077	11/21/2008	Yochai Ben-Chaim	IL920080107US1 (105130)	3320

78148 7590 06/29/2009
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
06/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ATLANTA GA 30309

In re Application of:
YOCHAI BEN-CHAIM et al.
Serial No.: 12/276,077
Filed: November 21, 2008
Docket: IL920080107US1 (105130)
Title: SELECTIVE CODE COVERAGE INSTRUMENTATION

::: 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 November 21, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1–I.4, II.5.1, II.5.3, II.6.1, II.6.3and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5.2, and II.6.2 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding item 5.2 above, the preexamination search must be directed to the (instant) claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation. However, claim limitations some of which have been identified as patentable features distinguishing the claimed invention from the cited prior art (such as "combining at least one coverage measure with at least one concern based criterion for each of a plurality of code subsets," and "ordering the code subsets by the combination of coverage measure and at least one concern based criteria" as recited in claim 1), or any search terms covering these limitations do not appear to have been included in the search. Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure the search covers these concepts, and update the search and/or provide any clarifications if deemed necessary.

With respect to the search logic identified, and in particular with respect to the instant claim, the text search appears to be incomplete. It is recommended that the following search terms be included in an updated search. Such example search terms (shown below) should be searched in singular or in combination:

((software near test$3) and coverage)
(test$ near code$1) and (coverage near task$1)
(coverage near task$1) and test$3 and hierarchy
(coverage near task$1) and test$3 and (hierarchy near code$1)
(coverage near task$1) and test$3 and rank$3

The default proximity operator is OR, the other proximity operators used in EAST are: "adj", "near", "with", and "same".

Note that the above list of terms and synonyms are not meant to be an exhaustive list, merely an example of various terms and synonyms that can be used to produce a more comprehensive prior art search. Nor should these examples be limited only to those sets of search terms provided. Each search term used should be evaluated for applicable synonyms.

The additional search recommendations were confirmed with and recommended by a (primary) examiner in the pertinent art area.

Regarding the requirement of MPEP§ 708.02(a)(I.)(I)(2) and item 6.2 above, Petitioner should provide an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The Petitioner should provide a claim-by-claim mapping of the pertinent subject matter disclosed in each of the references separately, specifically identifying each claim limitation and corresponding disclosure within the

reference, citing to specific relevant portions of each reference. Any reference which teaches any portion of the limitation should be so identified even if the reference does not teach the entirety of the limitation.

The mapping of the claim limitations to the references is unclear as to which claim limitations are believed to bow disclosed in the references. As an example, in section 9(B) of the support document, Petitioner states "Kuzim discloses a hierarchy of code....However, the claim ...calls for a coverage task hierarchy, not a code hierarchy". Thus Petitioner appears to assert that Kuzim teaches a limitation (hierarchy of code) that is ***not recited*** in claim 1. Such statement, while appearing to point out what is not disclosed in the Kuzim reference, does not clearly ***identify which claim limitations are disclosed*** therein, as required by item 6.2 above. Similar statements have been provided with respect to several other limitations in claim 1. Petitioner should clearly identify, using only language from the claim, each of the claim features/limitations are taught in the references cited in the support document. Clarification and identification of each disclosed claim limitation is required for each of the references discussed in the support document.

Thus, the petition does not meet all of the conditions set forth in MPEP § 708.02(a).

DECISION

For the above-stated reasons, the petition is **dismissed**.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/276,077	11/21/2008	Yochai Ben-Chaim	IL920080107US1 (105130)	3320

78148 7590 09/02/2009
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
KANG, INSUN

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
09/02/2009	PAPER

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08/05/2009

KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

In re Application of: YOCHAI BEN-CHAIM et al.
Serial No.: 12/276,077

Filed: November 21, 2008

Docket: IL920080107US1 (105130)

Title: **SELECTIVE CODE COVERAGE INSTRUMENTATION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on July 29, 2009 to make the above- identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The original petition, submitted on November 21, 2008 was dismissed in the decision mailed on June 29, 2009.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Gail Hayes, Quality Assurance Specialist, at (571) 272-3591.

_____/Gail Hayes/ _____
Gail Hayes, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/276,081	11/21/2008	Assana Fard	04860.P6614	3328

45217 7590 04/19/2010
APPLE INC./BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
PATEL, NITIN C

ART UNIT	PAPER NUMBER
2116	

MAIL DATE	DELIVERY MODE
04/19/2010	PAPER

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APPLE INC. /BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 Oakmead Parkway
Sunnyvale CA 94085-4040

In re Application of	:	
FARD, Assana et al.	:	DECISION ON PETITION
Application No. 12/276,081	:	TO MAKE SPECIAL UNDER
Filed: November 21, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No.	:	PILOT PROGRAM
04860.P6614		

This is a decision on the petition under 37 CFR 1.102, filed April 6, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition

must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Eddie C. Lee at 571-272-1732.

The application is being forwarded to the Technology Center Art Unit 2115 for action on the merits commensurate with this decision.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

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.
12/276,137	11/21/2008	James M. Bowman	H0009666CIP3	3427

91970 7590 02/16/2010
HONEYWELL/FOX ROTHSCHILD
Patent Services
101 Columbla Road
Morristown, NJ 07962

EXAMINER
ZEMEL, IRINA SOPJIA

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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HONEYWELL/FOX ROTHSCHILD
Patent Services
101 Columbla Road
Morristown NJ 07962

FEB 16 2010

In re Application of	:	
Bowman et al.	:	DECISION ON PETITION
Application No. 12/276,137	:	TO MAKE SPECIAL UNDER
Filed: 12/21/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **H0009666CIP3**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/21/2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be

accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 1.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 521/146.000) 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 1796 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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HICKMAN PALERMO TRUONG & BECKER/ORACLE
2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110-1083

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MAR 0 2 2009

OFFICE OF PETITIONS

In re Application of Baby, Tarachandani, Zalpuri, Idicula, Agarwal, Ling, Murthy, Goel, Sedlar, Lei, Desai, and Jacobs Application Number: 12/276182 Filing Date: 11/21/2008 Attorney Docket Number: 50277- 3651	: : : : : : : : :	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition filed on February 4, 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 November 21, 2008, without an executed oath or declaration.

Accordingly, on December 4, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed declaration and a surcharge for its late filing. The application search and examination fees and additional claim fees were also required.

In response, on February 4, 2009, the subject petition was filed, along with a declaration naming Thomas Baby, Asha Tarachandani, Naveen Zalpuri, Sam Idicula, Nipun Agarwal, Shu Ling, Ravi Murthy, Frederick Scott Goell, Eric Sedlar, Ming Lei, Ajay Desai, and Lawrence Jacobs as joint inventors, signed by all joint inventors except Desai on behalf of themselves and non-signing joint inventor Desai. The application filing fee, search fee, examination fee, and excess claim fees were paid, along with the surcharge.

Petitioners state that a certified copy of the documents was sent to obtain Desai's signature, but that no signed documents were returned.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks item (1).

The petition must be dismissed because sufficient proof has not been provided that the inventor received the application papers.

At the outset, it is unclear what documents were sent to the non-signing inventor, and by whom the documents were sent.

Petitioner must provide proof that a copy of the application (specification, including the claims, drawings, if any, and the Declaration) was sent to given to the non-signing inventor for review.[1] Acceptable proof includes a copy of the cover letter transmitting the application papers to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

---

[1] MPEP 409.03(d).

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact.

Accordingly, it is requested that petitioners provided statements by persons with first-hand knowledge from the persons who sent the email, including the attachments, to the non-signing inventor.

It is noted that $130.00 towards the petition fee was paid with the papers filed on February 4, 2009. The fee for a petition under 37 CFR 1.47(a) is $200, however. The balance due will be charged to counsel's deposit account as authorized in the fee transmitted filed with the subject petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110-1083

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MAY 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Baby et al.	:	
Application Number: 12/276182	:	DECISION NOTING JOINDER
Filing Date: 11/21/2008	:	OF INVENTORS AND PETITION
Attorney Docket Number: 50277-3651	:	UNDER 37 CFR 1.47(a) MOOT

This is a decision in response to the renewed petition under 37 CFR 1.47(a) filed on April 9, 2009.

The petition is **dismissed as moot**.

Papers filed on April 20, 2009, subsequent to the filing of the renewed petition on April 9, 2009, and in response to the decision dismissing petition mailed on March 2, 2009, included a Declaration signed by the previously non-signing inventor, in compliance with 37 CFR 1.63.

In view of the joinder of the inventors, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

This application will be referred to Technology Center Art Unit 2169 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/276,245	11/21/2008	William F. Taylor	WOG 9203.0002	3675

152 7590 06/23/2010
CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
601 SW Second Avenue
Suite 1600
PORTLAND, OR 97204-3157

EXAMINER

ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
06/23/2010	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
601 SW Second Avenue
Suite 1600
PORTLAND OR 97204-3157

In re Application of	:	
Jay J. CASTINO and William F.TAYLOR	:	DECISION ON PETITION
Application No. **12/276245**	:	TO MAKE SPECIAL UNDER
Filed: November 21, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **WOG 9203.0002**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 06/10/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Henry Yuen/

Henry Yuen
Quality Assurance Specialist
Technology Center 3700

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SEP 08 2009

OFFICE OF PETITIONS

MAYA LILLY
PO BOX 46457
LOS ANGELES CA 90046

In re :
Maya Elaine Lilly : LETTER
Application No. 12/276,389 :
Filed: November 23, 2008 :

This is a decision on petition under 37 CFR 1.181, filed May 14, 2009, requesting that an extension of time fee paid in application No. 12/368,970 be transferred to the above application.

The petition is **GRANTED**.

Applicant filed the above application on November 23, 2008. On December 10, 2008, the Office mailed a Notice to File Missing Parts, setting an extendable period of two months for applicant to submit the application filing fee, oath or declaration (plus surcharge for its late filing), search fee, and examination fee. On February 10, 2008, applicant electronically filed a one month extension of time. However, because applicant did not reference the application number, the extension of time was placed in a newly created application, application No. 12/368,970. On March 10, 2008, applicant filed the required items in response to the Notice to File Missing Parts in the above application. However, as the response was not accompanied by a one month extension of time, the Office mailed a Notice of Incomplete Reply on May 7, 2009.

Applicant requests that the one month extension of time fee paid on February 10, 2009 be transferred from application No. 12/368,970 to the above application.

Because it is obvious that the Office received the extension of time fee on February 10, 2009, the request is granted. Applicant is reminded to in the future include the application number on all filings with the Office.

The one month extension of time fee paid on February 10, 2009 be transferred from application No. 12/368,970 to the above application. Application No. 12/368,970 is currently abandoned.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the reply filed on March 10, 2009 (made timely by the one month extension of time filed on February 10, 2009).

Telephone inquiries concerning this communication may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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APR 28 2010

OFFICE OF PETITIONS

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC. 20005

In re Application of	:	
Bijan ALMASSIAN, et al	:	
Application No. 12/276,456	:	DECISION ON PETITION
Filed: November 24, 2008	:	TO WITHDRAW
Attorney Docket No. 2826.0060006/EJH/OAL	:	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 22, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Elizabeth J. Haanes, Ph.D., on behalf of the attorneys of record associated with Customer No. 26111.

The attorneys of record associated with Customer No. 26111 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address for future communications from the Office has been changed and the new correspondence address is indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc : PANACEA PHARMACEUTICALS, INC.,
209 PERRY PARKWAY, SUITE 13
GAITHERSBURG, MD 20877

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/276,456	11/24/2008	Bijan Almassian	2826.0060006/EJH/OAL

CONFIRMATION NO. 4136

POWER OF ATTORNEY NOTICE

26111
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

OC000000041284055

Date Mailed: 04/26/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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NOV 0 9 2009

Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

In re application of Kelly Marie Albert Application No. 12/276,469 Filed: November 24, 2008 For: DISPLAY DEVICE AND GIFT HOLDER	: : : :	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

This is a decision on the petition filed on September 14, 2009 to make the above-identified application special for Infringement under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special for Infringement under 37 C.F.R. § 1.102(d) is not acceptable at least because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on September 14, 2009, the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 11/8/09

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721 ROUTE 202-206
P.O.BOX 5933
BRIDGEWATER NJ 08807-5933

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APR 13 2010

OFFICE OF PETITIONS

In re Application of

James D. RALPH et al.
Application No. 12/276,544
Filed: November 24, 2008
Attorney Docket No. 104084 034

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 February 4, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes 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. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Olisa Anwah at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

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 3775 for action on the merits commensurate with this decision.

David A. Bucci
Petitions Examiner
Office of Petitions

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS TX 75201-2980

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JAN 15 2009

In re Application of	:	
VORA, Madhukar B.	:	
Application No. 12/276,574	:	DECISION ON PETITION
Filed: November 24, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **078023.0296(DSM0023DIV1)**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 24, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Madhukar Vora, 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 Office of Patent Application Processing.

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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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/276,592	11/24/2008	Junyong Ahn	RPL-0338	4386

34610 7590 07/07/2010
KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly, VA 20153-1200

EXAMINER
RIDLEY, BASIA ANNA

ART UNIT	PAPER NUMBER
1795	

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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KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly VA 20153-1200

JUL - 7 2010

In re Application of	:	
Ahn et al.	:	DECISION ON PETITION
Application No. 12/276,592	:	TO MAKE SPECIAL UNDER
Filed: 11/24/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **RPL-0338**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 6/29/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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TUROCY & WATSON, LLP
127 PUBLIC SQUARE
57TH FLOOR, KEY TOWER
CLEVELAND OH 44114

MAILED

AUG 20 2009

OFFICE OF PETITIONS

In re Application of Guy Hadas et al Application No. 12/276,604 Filed: November 24, 2008 Attorney Docket No. AF03035/SPSNP1250US	: : : : : :	DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed June 15, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventors have refused to join in the filing of the above-identified application[1]

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 pre-examination processing.

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[1]In the absence of any documents being returned that was mailed on or about June 5, 2009, it is presumed that the documents were received and that the inventors constructively refused to sign the application

Telephone inquiries regarding this decision should 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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MESMER & DELEAULT, PLLC
41 BROOK STREET
MANCHESTER NH 03104

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MAR 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Jay D. HUNTER	:	
Application No. 12/276,629	:	DECISION ON PETITION
Filed: November 24, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. hunt1108	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 24, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a certification by a registered attorney/agent having evidence showing one named inventor in the application is 65 years of age, or more, including a statement by applicant and applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Felix O. Figueroa at 571-272-6052, or in his absence, to the undersigned at 571-272-9077.

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.

for David Bucci
Petitions Examiner
Office of Petitions

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WYETH
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of
Graziani, et al.
Application No. 12/276,668
Filed: November 24, 2008
Attorney Docket No.: AM101814 C3

ON PETITION

This is in response to the petition under 37 CFR 1.57 filed February 6, 2009, requesting that the above-referenced application be accorded a filing date of November 24, 2008. The petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on November 24, 2008. However, on December 11, 2008, the Office of Patent Application Processing mailed applicant a "Notice of Incomplete Non-provisional Application, notifying applicant that the application papers has not been accorded a filing date because the application was deposited without drawings. In response, applicant timely filed this petition. Applicant requests that the application be amended to include the inadvertently omitted drawings on the basis that the application contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner's argument and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one composition claim. The Manual of Patent Examining Procedure, Section 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 application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> [i] an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or 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 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.

> priority of a prior-filed foreign application or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, non-provisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and 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 drawings(s) will be considered by the examiner.

The petition is granted to the extent the instant petition requests a filing date of November 24, 2008, with no drawings present in the application.

Given the basis for granting this petition, the petition fee of $400.00 is being refunded.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing for:

- correction of the filing date to November 24, 2008;
- for indication in Office records, as appropriate that "0" sheets of drawings were present on filing, and
- for issuance of a filing receipt.

Any inquiries related to this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Anthony Knight
Supervisor
Office of Petitions

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PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

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APR 2 3 2009

OFFICE OF PETITIONS

In re Application of :
Graziani, et al. :
Application No. 12/276,668 : ON PETITION
Filed: **November 24, 2008** :
Attorney Docket No.: AM101814 C3 :

This is in response to the communication filed March 26, 2009, which is noted in USPTO records as a petition under 37 CFR 1.57. The petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

The petition is **dismissed as moot**.

Application papers in the above-identified application were deposited on November 24, 2008. However, on December 11, 2008, the Office of Patent Application Processing mailed applicant a "Notice of Incomplete Non-provisional Application, notifying applicant that the application papers has not been accorded a filing date because the application was deposited without drawings. In response, applicant filed a petition under 37 CFR 1.57. Applicant requested that the application be amended to include the inadvertently omitted drawings on the basis that the application contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner's argument and evidence were considered, and, by a decision mailed March 19, 2009, it was concluded that the application contained at least one composition claim. The Manual of Patent Examining Procedure, Section 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. It was determined that the application was entitled to a filing date without drawings present in the application.

The decision of March 19, 2009, indicated that no petition was required and 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 drawings(s) will be considered by the examiner.

---

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or 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 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.

The petition was granted to the extent the petition requested a filing date of November 24, 2008, with no drawings present in the application. As there is no additional relief that can be granted pursuant to 37 CFR 1.53, the petition filed March 26, 2009, is dismissed as moot.

Pursuant to the decision mailed March 19, 2009, the application will again be referred to the Office of Patent Application Processing for:

- **correction of the filing date to November 24, 2008;**
- **for indication in Office records, as appropriate that "0" sheets of drawings were present on filing, and**
- **for issuance of a filing receipt.**

Thereafter, the application will be directed to the appropriate Technology Center for consideration of the amendment under 37 CFR 1.57 filed March 26, 2009.

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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OFFICE OF PETITIONS

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
KI SEON RYU	:	
Application No. 12/276,738	:	DECISION ON PETITION
Filed: November 24, 2008	:	
Attorney Docket No. 82633(303527)	:	

This is in response to the petition under 37 CFR 1.57(a), filed February 4, 2009, requesting that the above-referenced application be accorded a filing date of November 24, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2).[1]

The application papers in the above-identified application were deposited on November 24, 2008. However, on December 12, 2008, the Office of Patent Application Processing mailed applicants 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. In response, applicant timely filed this petition (and fee), a preliminary amendment, an executed declaration, and three sheets of replacement drawings. Applicant requests that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a claim under 37 CFR 1.55 for priority of a prior-filed foreign application. Additionally, applicant asserts that the application as filed contained at least one method claim, and therefore, is entitled to a filing date without drawings being present in the application.

Applicant's arguments and evidence have been considered. A review of the application confirms that, as filed, the application contained at least one method claim. MPEP § 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to

[1] Any request for review of a notification pursuant to § 1.53(e)(1), or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to § 1.53(e) accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition, the filing date of an application in which the applicants were notified of a filing error pursuant to § 1.53(e)(1) will be the date the filing error is corrected.

> 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 in a Nonprovisional Application instead of a Notice of Incomplete Nonprovisional Application.

As stated in MPEP § 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicants may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that 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.

The petition is **GRANTED** to the extent the instant application will be accorded a filing date of November 24, 2008, with no drawings as part of the original disclosure.

Given the basis for granting this petition, the $400.00 petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to November 24, 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 February 4, 2009, will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Anthony Knight
Supervisor
Office of Petitions

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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
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/276,784	11/24/2008	Houng Joong Kim	056205.60971US	4786

7590 05/13/2010
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
LE, DAVID D

ART UNIT	PAPER NUMBER
3655	

MAIL DATE	DELIVERY MODE
05/13/2010	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.

Nioni Farmes

Patent Publication Branch
Office of Data Management

Refund Ref:
05/13/2010 0230203639

Credit Card Refund Total: $540.00

Exp.: XXXXXXXXXXX1006

Adjustment date: 05/13/2010 NFARMER
11/25/2008 INTEFSW 00001295 12275764
CE FC:1111 -540.00 CP

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David L. Wallace
2512 Boots Road
Lakeland FL 33810

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DEC 17 2009

OFFICE OF PETITIONS

In re Application of
David L. Wallace
Application No. 12/276,828
Filed: November 24, 2008
Attorney Docket No.

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(2)

This is a decision on the petition under 37 CFR 1.102(c)(2), filed December 9, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102(c)(2) and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The application must be directed to a single invention that either: A) materially enhances the quality of the environment or B) that materially contributes to: i) the discovery or development of renewable energy

resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition is unsigned. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states:

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application **must be signed by**:
>
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
>
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under §3.71(b) of this chapter; or
>
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. As the instant petition is unsigned, it is not being considered further on its merits.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4914.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3661 for action in its regular turn.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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MAR 0 8 2010

David L. Wallace
2512 Boots Road
Lakeland FL 33810

In re Application of	:	
David L. WALLACE	:	DECISION ON PETITION
Application No. 12/276,828	:	TO MAKE SPECIAL UNDER
Filed: November 24, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No.	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, 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 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 Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3661 for action on the merits commensurate with this decision.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS, TX 75219

MAILED

MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of	:	
Marshall Charles Watson, et al.	:	
Application No. 12/276,844	:	DECISION ON PETITION
Filed: November 24, 2008	:	TO WITHDRAW
Attorney Docket No. 42316.2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 19, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Haynes and Boone, LLP has been revoked by the assignee of the patent application on February 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 address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: ACT OPERATING COMPANY
201 WEST WALL STREET
SUITE 806
MIDLAND, TX 79701

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of
Kunihiro Takahashi et al.
Application No. 12/276,892
Filed: November 24, 2008
Attorney Docket No. 137775.01

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, September 25, 2009, to change the name of inventor "Ivutin Dmitry" to -- Dmitry Ivutin --
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. 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 2625 for the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/276,892	11/24/2008	2625	1090	137775.01	19	2

CONFIRMATION NO. 5001

CORRECTED FILING RECEIPT

25944
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

OC000000039170543

Date Mailed: 12/10/2009

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)

Kunihiro TAKAHASHI, Ashigarakami-gun, JAPAN;
Mario FUSE, Ashigarakami-gun, JAPAN;
Tsukasa MATSUDA, Ebina-shi, JAPAN;
Eizo KURIHARA, Ebina-shi, JAPAN;
Shoji YAMAGUCHI, Ashigarakami-gun, JAPAN;
Hiroyoshi INOUE, Ashigarakami-gun, JAPAN;
Yasunori KODA, Ashigarakami-gun, JAPAN;
Dmitry IVUTIN, Ebina-shi, JAPAN;

Assignment For Published Patent Application

FUJI XEROX CO., LTD., Tokyo, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number 25944

Domestic Priority data as claimed by applicant

This application is a CIP of 12/173,474 07/15/2008 ABN

Foreign Applications

JAPAN 2007-305891 11/27/2007
JAPAN 2008-239095 09/18/2008

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to**

Retrieve Electronic Priority Application(s) (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 12/08/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/276,892**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

IMAGE FORMING APPARATUS AND METHOD

Preliminary Class

358

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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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

The Law Firm of Andrea Hence Evans, LLC
14625 Baltimore Ave., #853
Laurel MD 20707

In re Application of:
TZADOK, ASAF, et al.
Serial No.: 12/276,907
Filed: November 24, 2008
Attorney Docket number: IL920070147US2
Title: **ADAPTIVE OCR FOR BOOKS**

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 November 24, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II, items 5.2, and 5.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search the following class/subclasses:

382/182, 312.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per item 5.1 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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The Law Firm of Andrea Hence Evans, LLC
14625 Baltimore Ave., #853
Laurel MD 20707

In re Application of:
TZADOK, ASAF, et al.
Serial No.: 12/276,907
Filed: November 24, 2008

Title: **ADAPTIVE OCR FOR BOOKS**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

The petition on request for reconsideration to make the application special filed February 27, 2009 is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an

interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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MINNEAPOLIS MN 55402-1630

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OFFICE OF PETITIONS

In re Application of

Kurt E. Heikkila

Application No. 12/276,947

Filed: November 24, 2008

Attorney Docket No. 592.001USD1

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed February 12, 2010.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on October 25, 2009, after it was believed that no response was received to the "Requirement for Statement under § 152 of the Atomic Energy Act" mailed September 25, 2009. The notice allowed a non-extendable period for reply of thirty days from its mailing date. A Notice of Abandonment was mailed on November 19, 2009, indicating that a reply to the notice was not received.

A review of the application file record did reveal that a response to the Requirement for Statement under § 152 of the Atomic Energy Act" was filed on October 22, 2009. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center 1700, GAU 1796, for further processing.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

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In re Application of	:	
KING, Ray J.	:	
Application No. 12/277,014	:	DECISION ON PETITION
Filed: November 24, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **54452/363954**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 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 **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 a complete request on the PTO/SB/130 form. The form was not filled out. (Please clarify)!

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2821 for action in its regular turn.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Ray J. **KING**	:	
Application No. 12/277,014	:	DECISION ON PETITION
Filed: November 24, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **54452/363954**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 21, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Ray King, 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 2821 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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CST

April 29, 2009

In re application of	:	DECISION ON REQUEST TO
Tetsuo Ikegami	:	PARTICIPATE IN PATENT
Serial No. 12/277,082	:	PROSECUTION HIGHWAY
Filed: November 24, 2008	:	PROGRAM AND
For: PNEUMATIC TIRE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed February 19, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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OFFICE OF PETITIONS

In re Application of	:	
SMITH, Fred Hewitt et al.	:	
Application No. 12/277,100	:	DECISION ON PETITION
Filed: November 24, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **081913-0147 (BSIL-0116/CO**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 24, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the inventor's driver's license as evidence that Fred Hewitt Smith 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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/277,106	11/24/2008	Jeffrey E. LeClaire	32860.1143	5402

30734 7590 01/14/2009
BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON, DC 20036-5304

EXAMINER	
ART UNIT	PAPER NUMBER
1792	

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
Jeffrey E. LeClaire et al
Serial No. 12/277,106
Filed: November 24, 2008
For: APPARATUS AND METHOD FOR INDIRECT SURFACE CLEANING

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on November 24, 2008 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **DISMISSED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition, section II, subsections 1-5, are considered to have been met. However, the petition fails to comply with condition II, subsection 6.

The statement showing support for the present claim on page 4 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 claimed invention, as a whole, is found in various paragraphs of the specification, is not sufficient.

It is further required that petitioner provide a showing of where each limitation of every claim finds support under 35 USC 112, first paragraph, in the written description of parent applications 12/055,178 and 60/954,989 as applicant has claimed priority to both of these applications.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is dismissed. The application will therefore be taken up by the examiner in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/ Christine Tierney /

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/277,106	11/24/2008	Jeffrey E. LeClaire	32860.1143	5402

30734 7590 03/12/2009
BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON, DC 20036-5304

EXAMINER

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
03/12/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MAR 12 2009

CST

In re application of Jeffrey E. LeClaire et al Serial No. 12/277,106 Filed: November 24, 2008 For: APPARATUS AND METHOD FOR INDIRECT SURFACE CLEANING	: : : : : : :	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the Request for Reconsideration of Petition to Make Special under the Accelerated Examination Program filed on February 3, 2009 to make the above-identified application special.

The petition to make the application special is **GRANTED.**

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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PO BOX 747
FALLS CHURCH VA 22040-0747

8/27/09

In re Application of	:	
HOSHIKAWA, JUN et al	:	DECISION ON REQUEST TO
Application No. 12/277,127	:	PARTICIPATE IN PATENT
Filed: Dec. 24, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 1131-0624PUS1	:	PROGRAM AND PETITION
For: VARIABLE VALVE GEAR FOR 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 Aug. 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 JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition met all conditions except Item #6 above. The request to participate in the PPH pilot program and petition fail to include:

A copy of the Japanese Patent No. 3494439 and Japanese Patent No. 3758328 is needed. The patent documents were cited in the corresponding JPO Office action of March 4, 2009.

The 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.

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:
HOSHIKAWA, JUN et al	: DECISION ON REQUEST TO
Application No. 12/277,127	: PARTICIPATE IN PATENT
Filed: Dec. 24, 2008	: PROSECUTION HIGHWAY
Attorney Docket No. P 30928	: PROGRAM AND PETITION
For: VARIABLE VALVE GEAR FOR AN	: TO MAKE SPECIAL UNDER
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 September 25, 2009, to make the above-identified application special.

The request is **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

2. Applicant must submit a copy of: a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English translation of the allowable/patentable claim(s) and c. A statement that the English translation is accurate;

3. Applicant must a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

5. Applicant must submit: a. Documentation of prior office action: i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form; Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the JPO Office action from (5) (a) (i)-(ii) above c, A statement that the English translation is accurate;

6. Applicant must submit: a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application) b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH pilot program and petition meet the requirements (1) through (7), above.

CONCLUSION

The request to participate in the PPH program and petition comply with the above requirements. Receipt of the requested document is acknowledged and has been entered. Accordingly, the above-identified application has been accorded "special" status. Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

This application is being forwarded to the examiner for action on the merits commensurate with this decision. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to the Patent Examiner Thomas Denion, Art Unit 3748, at 571-272-4859 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

The petition make special is GRANTED.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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HANES & SCHUTZ, LLC
102 SOUTH TEJON ST.
SUITE 800
COLORADO SPRINGS CO 80903

COPY MAILED
JAN 14 2009

In re Application of	:	
PETERS, Bruce H.	:	
Application No. 12/277,134	:	DECISION ON PETITION
Filed: November 24, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **2532.4001.1D.OR**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 02, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Bruce Peter, 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 1795 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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OFFICE OF PETITIONS

PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

In re Application of De La Torre-Bueno et al. Application No. 12/277,147 Filed: November 14, 2008 Attorney Docket No.: 4062.16US04 Title: APPARATUS AND METHOD FOR LABELING ROWS AND COLUMNS IN AN IRREGULAR ARRAY	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.137(B)

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed February 26, 2010, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The concurrently submitted "Substitution of Attorney" has been entered and made of record.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed August 5, 2009, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 6, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted remarks, the petition fee, the proper statement of unintentional delay, and both a terminal disclaimer to obviate a double patenting rejection and the associated fee.

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the remarks and the terminal disclaimer that were received on February 26, 2010 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries

---

1 See Rule 1.137(d).
2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

concerning this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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HAYNES BEFFEL & WOLFELD LLP
P.O. BOX 366
HALF MOON DAY CA 94019

MAILED

AUG 10 2009

OFFICE OF PETITIONS

Applicants: Gary B. Powell, et al.
Appl. No.: 12/277,267
Filing Date: November 24, 2008
Title: METHOD AND APPARATUS FOR CHEMICAL MONITORING
Attorney Docket: LTWD 1003-8US
Pub. No.: US 2009/0075403 A1
Pub. Date: March 19, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 13, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in the drawings wherein an incorrect set of drawings was published.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error identified by applicant is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The error is not a material mistake because the technical disclosure and the claims are understandable, as the drawings are included in the parent applications which are incorporated by reference. The error does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The error also does not affect the use of the patent application publication as a prior art reference, because the continuity data is correctly published and the earlier publication has the best date as a reference. Furthermore, this is not a material error since the Image File Wrapper (IFW) for this application is available to the public, as of its publication date.

The drawings received by the Office on November 24, 2008, which were improperly scanned into this application and published have been removed from 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
www.uspto.gov
DIW Feb-09

CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH MA 01581

COPY MAILED

FEB 26 2009

OFFICE OF PETITIONS

In re Application of	:
Mathilde Benveniste	: DECISION REFUSING STATUS
Application Number: 12/277383	: UNDER 37 CFR 1.47(b)
Filing Date: 11/25/2008	:
Attorney Docket Number: AVA08-05	:

This is in response to the petition under 37 CFR 1.47(a) filed on December 29, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on November 25, 2008, without an executed oath or declaration. Accordingly, on December 10, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and a surcharge for its late filing.

In response, on January 24, 2008, petitioner filed a three (3) month extension of time, along with the present petition fee and surcharge.

Petitioners assert that the non-signing inventor has refused to sign a copy of the declaration.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks items (1), (2), (4), and (6).

In regards to item (1), petitioners have not shown that a copy of the application as filed was sent or given to the non-signing inventor. It is noted that petitioners state that the non-signing inventor and Rule 1.47 applicant are involved in litigation against each other. Nevertheless, before a *bona fide* refusal to sign can be proven, a copy of the application must be sent or given to the non-signing inventor.

In this regard, MPEP 409.03(d) states 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. Accordingly, a copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact.

If an inventor(s) cannot be reached at his or her last known address, petitioners must provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the efforts, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate that inventor, send or give a copy of the application papers to him or her, and request that he or she sign and return the declaration.

If repeated attempts to contact an inventor(s) by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that an inventor(s) cannot be found despite diligent efforts.

With regard to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. Specifically, the declaration filed has been "Respectfully Submitted" by David W. Rulle, Esq., but has not been properly executed. A declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee. The oath or declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer or chief executive officer) on behalf of and as agent for the non-signing inventor(s). The officer must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non-signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.[1]

In regards to item (4), a statement of the last known address has not been provided.

---

[1] MPEP 409.03(b).

In regards to item (6), petitioner must provide proof of irreparable damages in accordance with MPEP 409.03(g).

The petition fee of $200.00 will be charged to counsel's deposit account as authorized in the fee transmittal sheet accompanying the petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jun-09

CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH MA 01581

MAILED

JUN 18 2009

OFFICE OF PETITIONS

In re Application of	:
Mathilde Benveniste	: DECISION REFUSING STATUS
Application Number: 12/277383	: UNDER 37 CFR 1.47(b)
Filing Date: 11/25/2008	:
Attorney Docket Number: AVA08-05	:

This is in response to the renewed petition under 37 CFR 1.47(b) filed on April 27, 2009.

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on November 25, 2008, without an executed oath or declaration. Accordingly, on December 10, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and a surcharge for its late filing.

In response, on January 24, 2008, petitioner filed a three (3) month extension of time, along with the present petition fee and surcharge. On February 26, 2009, the petition was dismissed. On June 1, 2009, the subject renewed petition was filed.

Petitioner again asserts that the non-signing inventor has refused to sign a copy of the declaration.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks item (2).

With regard to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has still not been presented. Specifically, the declaration filed has been "Respectfully Submitted" by David W. Rouille, Esq., but has not been properly executed. In this regard, the format used, "Respectfully Submitted" is a signature block and cannot serve as an execution of the oath or declaration. Thus, the signature of the attorney of record, while properly authorized to sign on behalf of the assignee, is not a proper signature on behalf of the inventor pursuant to 37 CFR 1.64 and 1.47(b).

A declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee. The oath or declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer or chief executive officer) on behalf of and as agent for the non-signing inventor(s). The officer must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non- signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.[1]

---

[1] MPEP 409.03(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH MA 01581

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SEP 25 2009

OFFICE OF PETITIONS

In re Application of Mathilde Benveniste Application Number: 12/277383 Filing Date: 11/25/2008 Attorney Docket Number: AVA08-05	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(b)

This is in response to the twice renewed petition under 37 CFR 1.47(b) filed on July 23, 2009.

The petition is **GRANTED**.

Petitioner has shown that the sole inventor, Mathilde Benveniste, has refused to join in the filing of the above-identified application after having been provided a copy of the application. Specifically, petitioner has shown that a copy of the application was sent to the non-signing inventor. The non-signing inventor, however, failed to return an executed declaration.

Further petitioners have shown, via the Employeee Agreement Regarding Intellectual Property, that Rule 1.47(b) applicant Avaya, Inc., has a proprietary interest in the above-identified application. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63, signed by petitioner's registered patent practitioner David W. Rouille, on behalf of the Rule 1.47(b) applicant, and has demonstrated that such action is necessary to preserve the rights of the parties.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DIW Sep-09

Mathilde Benveniste
76 Harding Drive
South Orange NJ 07079

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SEP 25 2009

OFFICE OF PETITIONS

In re Application of
Mathilde Benveniste
Application No. 12/277,383
Filed: November 25, 2008
For: METHOD AND APPARATUS PERFORMING EXPRESS RETRANSMISSION OF FRAMES

Dear Ms. Benveniste:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 180
WESTBOROUGH MA 01581

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.
12/277,417	11/25/2008	Takeo Maekawa	MNL-2635-698	5997

7590 01/29/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
NGUYEN, TRAN N

ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
01/29/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
01/29/2010 0030075513

Credit Card Refund Total: $540.00

Adjustment date: 01/29/2010 NFARMER
02/02/2009 JADDO1 00000026 12277417
02 FC:1111 -540.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/20/2010

Applicant	: Kanwarpal S. Dhugga	: DECISION ON REQUEST FOR
Patent Number	: 7579443	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/277,418	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/25/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAIL

JAN 0 8 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS TX 75380

In re Application of:
COWEN, LAURA JANE et al.
Serial No.: 12/277,464
Filed: November 25, 2008
Attorney Docket number: **GB920070237US1**
Title: **METHOD FOR PRESENTING PERSONALIZED, VOICE PRINTED MESSAGES FROM ONLINE DIGITAL DEVICES TO HOSTED SERVICES**

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 November 25, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II, items 5.1- 5.3 and 6.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in items 5.1-5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following class/subclasses: 704/260.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per item 5.1 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of the itmes 6 through 6.6 above.

Regarding the requirements of item 6.3, above, the Accelerated Examination Support Document is deficient because section 9(C) fails to provide a "detailed explanation of how ***each of the claims*** are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c)" (emphasis added). Applicant provided only broad discussion of the limitations not discussed by each of the references individually. It is not clear, from the explanation, which limitations are patentably distinct over the references whether taken alone or in combination. Clarification is required.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600

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.
12/277,464	11/25/2008	Laura Jane Cowen	GB920070237US1	6083

78675 7590 02/20/2009
DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER

ART UNIT	PAPER NUMBER
2442	

NOTIFICATION DATE	DELIVERY MODE
02/20/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FEB 19 2009

TECHNOLOGY CENTER 2100

DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS TX 75380

In re Application of: COWEN, Laura J. et. al.
Serial No.: **12/277,464**
Filed: November 25, 2008
Docket: GB920070237US1
Title: METHOD FOR PRESENTING PERSONALIZED, VOICE PRINTED MESSAGES FROM ONLINE DIGITAL DEVICES TO HOSTED SERVICES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

A decision dismissing the petition to make the above-identified application special for accelerated examination was mailed on January 08, 2009. The decision set a non-extendable time period of one month or 30 (thirty) days, whichever is longer, from its mailing date to correct the deficiency/deficiencies in the petition.

As of February 10, 2009, the expiry of the period set, neither a reply nor a renewed petition was received. Accordingly, the application is no longer eligible for the accelerated examination program.

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-4147.

/bp/

Beatriz Prieto for

Kim Huynh, Quality Assurance Specialist
Technology Center 2400,
Network, Multiplexing, Cable and Security

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

MAILED

MAY 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Shunpei Yamazaki, et al.	:	
Application No. 12/277,547	:	DECISION GRANTING PETITION
Filed: November 25, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 740756-3250	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, May 21, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 20, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/277,552	11/25/2008	Johannes Bernardus Albertus Maria Arends	30394-1198	6237

7590 09/28/2009

PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE, NM 87102

EXAMINER
SORIANO, BOBBY GILES

ART UNIT	PAPER NUMBER
3769	

MAIL DATE	DELIVERY MODE
09/28/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/28/2009 0030374895

Credit Card Refund Total: $270.00

No Exp...: XXXXXXXXXXXX1001

Adjustment date: 09/28/2009 NFARMER
11/25/2008 INTEFSW 00010649 12277552
02 FC:2111 -270.00 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.
12/277,557	11/25/2008	AKIHIRO HORIBE	JP920080169US1	6245

EXAMINER

ART UNIT	PAPER NUMBER
2812	

MAIL DATE	DELIVERY MODE
02/11/2009	PAPER

77062 7590 02/11/2009
The Law Firm of Andrea Hence Evans, LLC
14625 Baltimore Ave., #853
Laurel, MD 20707

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

The Law Firm of Andrea Hence Evans, LLC
14625 Baltimore Ave., #853
Laurel MD 20707

In re Application of:
HORIBE et al.
Serial No.: 12/277,557
Filed: November 25, 2008
Title: MULTI CHIP STACKING WITH RELIABLE JOINING

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on November 25, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:
1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-5) are considered to have been met. However, the petition fails to comply with the all the conditions set forth in section II, subsection 6. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of section II, subsection 6, the support document supplied by petitioner does not satisfy the requirements set forth in subsections 6.2 and 6.3. The petition fails to identify all of the limitations in the application claims that are disclosed in the references and where the limitations are disclosed in the cited references. A grantable petition requires an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. More specifically, each reference should be discussed indicating what it discloses with respect to each of the claim limitations followed by a detailed description of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c). 37 CFR 1.111(c) states in part that "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited." The support document mentions heating the chip wafer to solidify the resin mixture, stacking individual chips and applying pressure and heat to joined the chips but does not disclose where these limitations are disclosed in the references. Each reference should be discussed indicating what it does disclose and then a detailed description of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c). For example, Estes et al, US Patent No. 6,410,415, disclose drying the resin mixture by heat, Tomimatsu, US Patent, 6,933,172[1] disclose the potting method to seal the chips and Ramanathan et al, US Patent Pub. No. 2005/0003650, disclose heating the wafer to evaporate the solvent and solidify the polymer. For these reasons, the petition does not meet the requirement of subsection 6.2.

Regarding the requirements of section II, subsection 6.3 outlined above, petitioner does not specifically point out the particular language of the claims that distinguishes over the references. The petition fails to provide a detailed explanation of how each of the claims are patentable over each of the references with particularity required by 37 CFR 1.111(b) and (c) and not merely state that the references do not disclose the claim limitations. 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made." For example, with respect to the references cited above, the support document does not discuss all of the claim limitations which are disclosed. The Office cannot infer or guess what petitioner

[1] Tomimatsu, US Patent, 6.933,172 is the US patent that resulted from the US Patent Pub. No. 2003/0162324.

believes the differences between the claims and the teachings of the prior art to be. For these reasons, the petition does not meet the requirement of section II, element 6.3.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petition is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiries regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/277,557	11/25/2008	AKIHIRO HORIBE	JP920080169US1	6245

77062 7590 04/10/2009
The Law Firm of Andrea Hence Evans, LLC
14625 Baltimore Ave., #853
Laurel, MD 20707

EXAMINER
SMITH, ZANDRA V

ART UNIT	PAPER NUMBER
2822	

MAIL DATE	DELIVERY MODE
04/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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The Law Firm of Andrea Hence Evans, LLC
14625 Baltimore Ave., #853
Laurel MD 20707

In re Application of:	:	DECISION ON PETITION TO
HORIBE et al.	:	MAKE SPECIAL FOR NEW
Serial No.: 12/277,557	:	APPLICATION UNDER 37
Filed: November 25, 2008	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
Title: MULTI CHIP STACKING WITH RELIABLE JOINING	:	

This is a decision on the renewed petition filed on March 3, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The renewed petition to make the application special is **DENIED**.

A petition to make special was filed in the above-identified application under 37 C.F.R. § 1.102(d) on November 25, 2008. That petition was dismissed in a decision dated February 11, 2009 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reason for dismissal was an inadequate accelerated examination support document. The accelerated examination support document failed to: 1) include an identification of all the limitations in the claims that were disclosed by each reference specifying where the limitation was disclosed in the cited reference; and 2) indicate how each of the claims were patentable over each cited reference.

The new accelerated examination support document filed on March 3, 2009 fails to correct all of the deficiencies of the previous accelerated examination support document.

As mentioned in the petition decision of February 11, 2009, subsection 6.2 of Conditions Regarding the Petition, identification is required of all the limitations in the claims that are disclosed by each reference ***specifying where the limitation is disclosed in the cited reference.*** Petitioner does not disclose all the limitations in the claims that are disclosed in the Tomimatsu (US Patent Pub. 2003/0162324) reference. Instead, petitioner provides a new reference (Tomimatsu, US Patent 6,933,172 and discusses the claimed limitations taught therein specifying where the limitation was disclosed and how each of the claims were patentable over the reference.

It is noted that Tomimatsu, US Patent 6,933,172 is the US patent that resulted from the Tomimatsu patent publication, however, this does not relieve petitioner of his duty to discuss the patent publication. As shown in the Accelerated Examination Support Document and the Supplemental Accelerated Examination Support Document, the disclosures of each reference are not equivalent. Further, the required information disclosure statement citing Tomimatsu, US Patent 6,933,172 as a reference most closely related to the subject matter of each claim has not been provided.

For the above stated reasons, the renewed petition is denied. The application will therefore be taken up the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/277,564	11/25/2008	Tomoya Asano	P35663	6254

7055 7590 04/01/2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER
GARNER, WERNER G

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
04/01/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

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Alexandria, VA 22313-1450
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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of: ASANO, TOMOYA Serial No.: 12/277,564 Filed: Nov. 25, 2008 Docket: P35663 Title: VIDEO GAME PROCESSING APPARATUS, VIDEO GAME PROCESSING METHOD AND VIDEO GAME PROCESSING PROGRAM	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 30, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h.

The request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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. Dmitry Suhol, Art Unit 3714 at 571-272-4430.

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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J.C. PATENTS
4 VENTURE, SITE 250
IRVINE CA 92618

COPY MAILED
DEC 30 2009
OFFICE OF PETITIONS

In re application of :
Chih-Kang Yeh :
Application No. 12/277,566 :
Filed: November 25, 2008 :
Attorney Docket No. JCLA28090 :

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. Note 37 CFR 1.28(c)(3)(d). **If this is an incorrect interpretation, applicant must notify the Office in writing**.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
12/277,635	11/25/2008	Makoto Miwa	MNL-2018-2199	6397

7590 04/01/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
04/01/2010	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

04/07/2010 [illegible]

Credit Card Refund Total: $540.00

[illegible]

Adjustment date: 04/07/2010 NFARKER
11/26/2008 INTERNAL 00000045 12277635
02 FC:1111 -540.00 OP

FORM PET651G (Rev. 08/07)

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MAILED

DEC 29 2008

Group 3700

WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON VA 20190

In re Application of: WELBORN, KENNETH
Application No.: 12/277682
Filed: November 25, 2008
Title: HUB AND HANDLE DESIGN FOR CARPAL TUNNEL RELEASE TOOL

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 November 25, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 6, and 6.1 above are considered to have been met. However, the petition fails to comply with conditions II: 5.1, 5.2, 5.3, 6.2, 6.3, 6.4, 6.5, and 6.6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" herein below, the received papers under consideration include the two page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", with part of the "accelerated examination support document" (AESD) comprising pages 1-11, and "pre-examination search document" (PESD) with the remaining part of the "accelerated examination support document" (AESD) comprising pages 1-7, and an Information Disclosure Statement (IDS).

Note: Applicant should ensure that the documents uploaded into the Electronic Filing System (EFS) are uploaded individually, and bearing the appropriate codes. Currently, as discussed above, the documents are split and mixed. There is no need to re-file the AE petition form.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in the following class/subclasses combinations:
606/1, 159, 167, 170, 174, 180; 403/349

Within the class/subclasses above, the following terms search must be conducted: handle, key, socket, collet, bayonet, detent, blade, hub, carpal.

Applicant also failed to comply with the requirements of section II element 5.3, referring to the need of the search to encompass disclosed features that may be claimed.

Concluding the remarks for section II, and as a courtesy to the Applicant, the Examiner suggests that in summarizing the actions made in compliance with the requirements of section II above, the following statements be included in the Statement of Pre-Examination Search (the numbers parallel the corresponding sections in the June 26, 2006 Notice published in the Federal Register):

"8(B) Search Directed to the Invention
The pre-examination search was directed to the claimed invention, encompassing all the features of the claim and giving the claim its broadest reasonable interpretation.
8(C) Search Directed to the Disclosure
No disclosed features that are unclaimed at this time are currently seen as features that may be claimed later.
8(D) Search Report from a Foreign Patent Office
No search report from a foreign patent office is provided here as the pre-examination search.
8(E) Statement of Good Faith
All statements above in support of the petition to make special are based on a good faith belief that the search was conducted in compliance with the requirements of this rule."

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

Petitioner's submission is not specific enough. Petitioner points out some limitations of some of the claims and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address each discrete limitation (i.e., each single limitation, NOT multiple limitations bundled together) and state where it is (or state that it is not) found in each one of the most closely related prior art. The requirement of section II element 6.2 can be satisfied by listing verbatim ("copy and paste") all the presently filed claims (i.e., the claims of the instant application) and by indicating where each discrete limitation (without bundling limitations to the extent possible) of each one of said presently filed claims is taught (or is not taught) in each one of the most closely related references that is cited, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. Limitations for which antecedent basis has been established and mapped unto the

prior art reference need not be mapped repeatedly (the first time suffice). However limitations not disclosed must be specifically singled out (without bundling with disclosed limitations – to the extent possible). Note that disclosure may be express, implicit, or inherent. Claim recitations must be complete. Statements such as "Limitation II(b) – (not disclosed)", i.e., statements that do not spell out the text of the relevant limitations should be avoided. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. The requirement of this element calls for a straight mapping of each single limitation unto the prior art. Section II element 6.2 is not the proper venue to imply patentability by bundling limitations and concluding that the combination is not disclosed. Patentability arguments should be made only in response to the requirement of section II element 6.3.

With respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each one of the claims is patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. For these reasons, the petition does not meet the requirement of section II, element 6.3. The requirement of section II element 6.3 can be satisfied by indicating for <u>each one</u> of the presently filed claims (i.e., the claims of the instant application) which <u>specific</u> i.e., <u>discrete</u> limitation(s) in <u>each one</u> of said presently filed claims define(s) over each one of the most closely related references that is cited. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that is cited, <u>one reference at a time</u>. Patentability arguments must specifically spell out the relevant limitation(s); prior art patents can be referred to by the last name of the first inventor. Statements such as "Reference A does not teach limitation II(b)" will suffice, as long as the name of "Reference A" and the text of the clause and/or the text of the specific "limitation II(b)" are fully spelled out in the statement. Lack of obviousness analysis for combining two or more references should be performed when a "most closely related prior art" reference clearly indicates reasons for such combination. With regard to each dependent claim, there should be an unequivocal statement whether the patentability of each dependent claim is predicated solely on that of the claim from which it depends (e.g., "Dependent claim X is patentable solely because of the limitations of the claims from which it depends" - will suffice), or Applicant should provide a detailed explanation of patentability specific to that particular claim (only if the claim recites new limitations that further define over the prior art).

Regarding the requirements of section II element 6.4 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating

the utility to the independent claim as is required by the policy. Petitioner should reference the independent claim specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met because lack of specificity. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies figures and portions of text with respect to claim numbers as opposed to the disclosure of the required claim limitations, addressed individually for each limitation in each claim. The requirement of section II element 6.5 can be satisfied by listing verbatim all the presently filed claims (by "copy and paste") and by indicating where the instant application (and separately each one of the priority documents – if applicable) teaches each discrete limitation (without bundling limitations to the extent possible) in each one of said presently filed claims, by indicating the element number and/or the relevant page and line numbers. To the extent possible, Petitioner should indicate the enablement location in the specification as required by statute, i.e., "the manner and process of making and using it," rather than pointing to the first occurrence of establishing antecedent for the limitation in the specification. For this reason Petitioner should indicate, to the extent possible, the combination of the element, figure, page, (or paragraph), and line numbers in the specification where the mapped limitation is actually taught and enabled. If the application(s) for which domestic priority is claimed is/are identical to the present application, a statement to the effect that they are "substantially identical" in lieu of the required additional mapping is acceptable. Petitioner's attention is also drawn to the requirements relevant under 35 U.S.C 112, 6th paragraph, listed above. Should this requirement not apply to the present application, Petitioner should make a statement in this regard.

Finally, regarding the requirements of section II element 6.6, the petition does not provide an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828.

/Ehud Gartenberg/
Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

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WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON VA 20190

March 3, 2009

In re Application of: WELBORN, KENNETH
Application No.: 12/277682
Filed: 11/25/2008
Title: HUB AND HANDLE DESIGN FOR CARPAL TUNNEL RELEASE TOOL

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on January 21, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

/Ehud Gartenberg/
Ehud Gartenberg, Special Programs Examiner
Technology Center 3700

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant	: Kuei-Fang Chen	: DECISION ON REQUEST FOR
Patent Number	: 7637638	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/277,726	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/25/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Paper No.

CANTOR COLBURN LLP -
SABIC (NORYL)
20 Church Street
22nd Floor
Hartford CT 06103

COPY MAILED
JUL 06 2009
OFFICE OF PETITIONS

In re Application of :
Fortuyn et al. : ON PETITION
Application No. 12/277,859 :
Filed: November 25, 2008 :
Atty Docket No. 233457-US-NP :

This is in response to the "PETITION UNDER 37 CFR 1.57(a) RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" filed December 23, 2008, requesting that the above-referenced application be accorded a filing date. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on November 25, 2008. However, on December 11, 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, applicant timely filed this petition. Applicant acknowledges that the drawing was inadvertently omitted from the nonprovisional application. Applicant states that the drawing

[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.

was included with the filing of the provisional application and that the provisional application was incorporated by reference in the instant application. Applicant petitions to accord the application a filing date of November 25, 2008.

Applicant's arguments and evidence have been considered. It is noted that the application as filed included both a claim for priority to the provisional application and an incorporation by reference statement.

Nonetheless, it is controlling that a review of the application confirms that as filed the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). The amendment should be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

Given that the application is entitled to a filing date, no petition pursuant to 37 CFR 1.57(a) is required. An amendment directed to the examiner to include the inadvertently omitted drawings must be filed to include the inadvertently omitted drawings. This amendment in compliance with §§ 1.57 (or 1.182 based on the incorporation by reference statement) and 1.121 should be filed within **TWO (2) MONTHS** of the mailing date of this decision. See 37 CFR 1.181(f), 37 CFR 1.57(f) and MPEP 608.01(p).

To the extent the instant petition requests a filing date of November 25, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded to the Deposit Account, as authorized.

The Office of Patent Application Processing (OPAP) has been advised of this decision. Pursuant to this decision, the application has been referred to OPAP for:

- **according of a filing date of November 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 Senior Petitions Attorney, Nancy Johnson at (571) 272-3219.

Anthony Knight
Supervisor
Office of Petitions

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FEB 2 3 2010

JOHN S. BEULICK (12729)
C/O ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE
SUITE 2600
ST. LOUIS MO 63102-2740

In re Application of	:	
Joel Kenneth KLOOSTER	:	DECISION ON PETITION
Application No. 12/277,868	:	TO MAKE SPECIAL UNDER
Filed: November 25, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 233519	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 28, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining

how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 1 and 5.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 701/066.000) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

In regard to item 5, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3661 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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JUL 13 2010

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C/O ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE
SUITE 2600
ST. LOUIS MO 63102-2740

In re Application of	:	
Joel Kenneth KLOOSTER	:	DECISION ON PETITION
Application No. 12/277,868	:	TO MAKE SPECIAL UNDER
Filed: November 25, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 233519	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed June 17, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. Petitioner suggests that *"the present invention is directed to a vehicle control system and as such on its face materially contributes to energy conservation as use of this results, e.g., for airplanes in economic benefits from an optimum flight/landing profile."* It is not clear how a system and methods for time of arrival control would materially contribute to energy conservation when an airplane would have to fly at its maximum available speed at times to meet its required time of arrival, and in doing so would consume more fuel and emit more greenhouse gases. There is no evidence of energy conservation or greenhouse gas reduction of the claimed invention. Accordingly, it is not agreed that the application on its face meets that materiality standard.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3661 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/277,999	11/25/2008	Igor Balk	85453-4299	7023

28765 7590 04/06/2009
WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
04/06/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@winston.com

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WINSTON & STRAWN, LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
Washington DC 20006

In re Application of: BALK, IGOR et al Serial No.: 12/277,999 Filed: November 25, 2008 Title: **SYSTEMS AND METHODS FOR PHONE CALL MANAGEMENT**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on November 25, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2 and 5.3 and 6.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in items 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The search was too narrow. The following class/subclasses must also be searched.

379/67.1, 88.22-88.28, 93.11, 211.01, 211.02-214.01
455/413-417
370/353-356

The database search should also use search terms such as:

phone
instant messenger
IM
Instant Message
ICQ
Internet Relay Chat
IRC
Yahoo messenger
Microsoft messenger

Regarding the requirement in item 6.3 above, the Accelerated Examination Support Document is deficient in section 9(c) because applicants have not provided a detailed explanation of how each of the claims are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c). Applicants did provide some specific statements concerning the Lang, Sureka, and Andrews references, except for Chavez, with respect to claim 1; however, failed to provided a detailed explanation of patentability in accordance with item 6.3 for each of the cited references with the particularity required by 37 CFR 1.111(b) and (c) for all of the claims. In addition, Chavez reference was not discussed in section 9(c). Therefore, applicant must provide a more detailed explanation.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per item 5.1 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

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 Doris To, Quality Assurance Specialist, at (571) 272-7629.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/277,999	11/25/2008	Igor Balk	85453-4299	7023

28765 7590 05/15/2009
WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
05/15/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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mwalker@winston.com

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WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON DC 20006

In re Application of:
BALK, IGOR et al
Serial No.: 12/277,999
Filed: November 25, 2008

Title: **SYSTEMS AND METHODS FOR PHONE CALL MANAGEMENT**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 6, 2009 requesting that the above-identified application be made special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Doris To, Quality Assurance Specialist, at (571) 272-7629.

/Doris To/

Doris To
Quality Assurance Specialist
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1 9 SEP 2008

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Amin Hallihan, LLC
444 North Orleans Street
Suite 400
Chicago, IL 60654

In re Application of	:	
PATEL et al.	:	
U.S. Application No. 12/278,031	:	
PCT No.: PCT/IN06/00481	:	
Int. Filing Date: 01 December 2006	:	
Priority Date: 01 December 2005	:	DECISION ON PETITION
Attorney Docket No.: ACP-102	:	
For: A METHOD OF PRODUCING A HIGH SECURITY FILM AND HIGH SECURITY FILM PRODUCED BY SAID METHOD	:	

The petition to revive under 37 CFR 1.137(b) filed 01 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

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ZIMMER TECHNOLOGY – BAKER &
DANIELS
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FORT WAYNE, IN 46802

MAILED

AUG 19 2009

OFFICE OF PETITIONS

Applicants: Sergio Romagnoli
Appl. No.: 12/278,104
Filing Date: February 1, 2007
Title: TIBIA PLATFORM IMPLANT
Attorney Docket: ZIM0701
Pub. No.: US 2009/0099663 A1
Pub. Date: April 16, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 15, 2009, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains a material error in the drawings wherein the application was published without the corresponding eight sheets of drawings.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

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

1 4 NOV 2008

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LAW OFFICE OF JAMES TROSINO
P.O. BOX 200
YONKERS NY 10703

In re Application of GLADSTONE et al.	:	
Application No.: 12/278,143	:	
PCT No.: PCT/GB07/00366	:	DECISION ON
Int. Filing: 02 February 2007	:	
Priority Date: 03 February 2006	:	PETITION TO REVIVE
Attorney Docket No.:WR-006	:	
For: MAST ASSEMBLY	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 11 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 $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) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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2 3 JAN 2009

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STOLOWITZ FORD COWGER LLP
621 SW MORRISON ST
SUITE 600
PORTLAND, OR 97205

In re Application of MARTIN et al	:	
U.S. Application No.: 12/278,148	:	
PCT Application No.: PCT/US2006/034218	:	
Int. Filing Date: 31 August 2006	:	DECISION
Priority Date Claimed: 10 February 2006	:	
Attorney Docket No.: 61692/21:2US	:	
For: DYNAMIC INTERACTIVE	:	
ENTERTAINMENT	:	

This is in response to applicant's "Petition Under 37 CFR § 1.47(a) for Acceptance of Application Without the Signature of All Inventors" filed 26 November 2008.

BACKGROUND

On 31 August 2006, applicant filed international application PCT/US2006/034218, which claimed priority of an earlier United States application filed 10 February 2006. The thirty-month period for paying the basic national fee in the United States expired on 10 August 2008.

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 23 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 executed by all of the inventors must be filed.

On 26 November 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 inventors, each on his own behalf and on behalf of the nonsigning inventor. However, the declaration is an improper composite document which includes one of Page 1 and four of Page 2. It is not acceptable to combine individual pages (i.e. signature pages) from different copies of a declaration into a single document for submission. Applicant must submit either: (1) a complete declaration which is presented to and executed by all of the available inventors or (2) multiple complete declarations, wherein each available inventor executes at least one of the multiple complete declarations.

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 Craig Rowley 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 Mr. Rowley for signature. Specifically, the application papers were mailed to Mr. Rowley on 18 September 2008 (see affidavit of Micah Stolowitz, ¶3) and were received by Mr. Rowley on 24 September 2008 (see copy of return receipt). Furthermore, the petition sufficiently illustrates that Mr. Rowley refuses to sign. In particular, Mr. Rowley's failure to respond to the 18 September 2008 letter evidences a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Mr. Rowley refuses to join in the application.

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. 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.

Bryan Lin

Bryan Lin
PCT Legal Examiner
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25 MAR 2009

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621 SW MORRISON ST
SUITE 600
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In re Application of MARTIN et al	:	
U.S. Application No.: 12/278,148	:	
PCT Application No.: PCT/US2006/034218	:	
Int. Filing Date: 31 August 2006	:	DECISION
Priority Date Claimed: 10 February 2006	:	
Attorney Docket No.: 61692/21:2US	:	
For: DYNAMIC INTERACTIVE	:	
ENTERTAINMENT	:	

This is in response to applicant's "Renewed Petition Under 37 CFR § 1.47(a) for Acceptance of Application Without the Signature of All Inventors" filed 03 March 2009.

BACKGROUND

On 31 August 2006, applicant filed international application PCT/US2006/034218, which claimed priority of an earlier United States application filed 10 February 2006. The thirty-month period for paying the basic national fee in the United States expired on 10 August 2008.

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 23 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 executed by all of the inventors must be filed.

On 26 November 2008, applicant filed a petition under 37 CFR 1.47(a).

On 23 January 2009, this Office mailed a decision dismissing the 26 November 2008 petition.

On 03 March 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.

Applicant has previously satisfied items (2), (3), and (4) above.

With regard to item (1) above, applicant has submitted declarations executed by the available inventors, each on his own behalf and on behalf of the nonsigning inventor. The declaration signed by Jim Shur is accepted. The declarations signed by the remaining inventors cannot be accepted at the present time. Specifically, it is apparent that the respective signature pages of the declarations originated from a different copy of the declaration than page 1 of the declaration and were then later combined with page 1 to form the document for submission. This is evidenced by the quality of the text of the signature pages which differs from that of page 1. The declarations will nevertheless be accepted if the practitioner states that the declarations are true copies of the declarations which were presented to and executed by the inventors.

CONCLUSION

For the reasons above, the renewed 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. 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.

Bryan Lin

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2 4 APR 2009

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In re Application of MARTIN et al	:	
U.S. Application No.: 12/278,148	:	
PCT Application No.: PCT/US2006/034218	:	
Int. Filing Date: 31 August 2006	:	DECISION
Priority Date Claimed: 10 February 2006	:	
Attorney Docket No.: 61692/21:2US	:	
For: DYNAMIC INTERACTIVE	:	
ENTERTAINMENT	:	

This is in response to applicant's "Second Renewed Petition Under 37 CFR § 1.47(a) for Acceptance of Application Without the Signature of All Inventors" filed 06 April 2009.

BACKGROUND

On 31 August 2006, applicant filed international application PCT/US2006/034218, which claimed priority of an earlier United States application filed 10 February 2006. The thirty-month period for paying the basic national fee in the United States expired on 10 August 2008.

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 23 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 executed by all of the inventors must be filed.

On 26 November 2008, applicant filed a petition under 37 CFR 1.47(a).

On 23 January 2009, this Office mailed a decision dismissing the 26 November 2008 petition.

On 03 March 2009, applicant filed a renewed petition under 37 CFR 1.47(a).

On 25 March 2009, this Office mailed a decision dismissing the 03 March 2009 renewed petition.

On 06 April 2009, applicant filed the present second 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.

Applicant has previously satisfied items (2), (3), and (4) above.

With regard to item (1) above, applicant has submitted declarations executed by the available inventors, each on his own behalf and on behalf of the nonsigning inventor. The petition states that the declarations are true copies of the declarations which were presented to and executed by the inventors.

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 31 August 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 18 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.

Bryan Lin

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2 4 APR 2009

Craig Rowley
180 Alicante Dr. 328
San Jose, CA 95134

In re Application of MARTIN et al
U.S. Application No.: 12/278,148
PCT Application No.: PCT/US2006/034218
Int. Filing Date: 31 August 2006
Priority Date Claimed: 10 February 2006
For: DYNAMIC INTERACTIVE ENTERTAINMENT

Dear Craig Rowley:

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.

BryanLin

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STOLOWITZ FORD COWGER LLP
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PORTLAND, OR 97205
Attorney Docket No.: 61692/21:2US

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LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of FARINAS GOMEZ et al. Application No. 12/278,166 PCT No.: PCT/IB2007/051115 Int. Filing Date: 16 February 2007 Priority Date: 17 February 2006 Att. Docket No.: U 017423-1 For: Use Of The PEDF Factor To Induce Cell Regeneration	DECISION

The petition to revive under 37 CFR 1.137(b) filed on 23 October 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. As the petition fee was erroneously refunded on 05 November 2009, the $810.00 fee (fee code 2453) is again being charged to Deposit Account 12-0425 per the authorization included in the petition. The required reply 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.

Review of the declaration filed on 24 February 2009 reveals that the spelling of inventor Rodriguez Ferron's name differs from the version appearing in the published international application, but no explanation (e.g., whether the discrepancy represents a mere typographical error) appears to have been provided. As such, the declaration cannot be accepted at this time. Accordingly, the Filing Receipt and the Notice of Acceptance (Form PCT/DO/EO/903) mailed on 18 November 2009 are hereby **VACATED**.

Applicant must file a response within **TWO (2) MONTHS** of the mailing date of this Decision, extendable under 37 CFR 1.136(a), resolving the discrepancy between the declaration and the published international application. Failure to timely reply will result in **ABANDONMENT**.

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.

/George Dombroske/
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30 SEP 2008

AIR LIQUIDE
INTELLECTUAL PROPERTY
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HOUSTON, TX 77056

In re Application of LIM et al	:	
U.S. Application No.: 12/278,198	:	
PCT Application No.: PCT/IB2007/000101	:	
Int. Filing Date: 15 January 2007	:	DECISION
Priority Date Claimed: 06 February 2006	:	
Attorney Docket No.: Serie 7055	:	
For: COMPRESSED AIR PRODUCING	:	
METHOD AND PRODUCING PLANT	:	

This is in response to applicant's "Petition Pursuant to 37 CFR §1.182 to Correct International Application Number" filed 06 August 2008.

BACKGROUND

On 15 January 2007, applicant filed international application PCT/IB2007/000101, which claimed priority of an earlier Japan application filed 06 February 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 16 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 06 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) and referenced international application number PCT/IB2007/091135.

On 06 August 2008, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

A review of the application papers filed 04 August 2008 reveals that the incorrect international application number was listed on the Transmittal Letter (Form PTO-1390) and entered into the EFS-Web user interface. The petition states that the correct international

application number should be PCT/IB2007/000101. The content of international application number PCT/IB2007/000101 is consistent with the specification, claims, abstract, title, and inventorship information filed with the national stage papers on 04 August 2008. Furthermore, international application number PCT/IB2007/000101 was identified in the preliminary amendment to the specification. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

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2 8 AUG 2008

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Darby & Darby P.C.
P.O. Box 770
Church Street Station
New York, NY 10008-0770

In re Application of	:	
SORO et al.	:	
U.S. Application No. 12/278,232	:	
PCT No.: PCT/ES06/00691	:	
Int. Filing Date: 18 December 2006	:	
Priority Date: 19 December 2005	:	DECISION ON PETITION
Attorney Docket No.: 20840/0210175-US0	:	
For: SYSTEM AND METHOD FOR REGISTERING AND CERTIFYING ACTIVITY AND/OR COMMUNICATION BETWEEN TERMINALS	:	

The petition to revive under 37 CFR 1.137(b) filed 04 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.

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In re Application of Cottey et al. Application No.: 12/278,236 PCT No.: PCT/EP2007/000929 Int. Filing Date: 01 February 2007 Priority Date: 02 February 2006 Attorney Docket No.: 02418.1113 For: Ball Game Racket	:	DECISION

This is in response to the correspondence filed on 26 June 2009.

BACKGROUND

This international application was filed on 01 February 2007, claimed an earlier priority date of 02 February 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 09 August 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 04 August 2008 (since 02 August 2008 was a Saturday). Applicants filed, *inter alia*, a basic national fee on 04 August 2008.

On 08 October 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 08 April 2009, applicants filed a response, including a declaration.

On 27 May 2009, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants, indicating the declaration to be defective because the "correction to the fourth inventor's name is not initialed. In addition, the spelling of the inventor's first name on th declaration doesn't correspond wit the spelling on the published application."

DISCUSSION

Counsel has submitted a new declaration document, and indicates that the "first name of the fourth inventor... was inadvertently misspelled as 'Klaus' in the various documents submitted in the international application, as well as in the" declaration filed on 08 April 2009. Petitioner asserts that the correct spelling of the inventor's name is instead "Claus." In view of the policy described at MPEP 605.04(b), it would be appropriate to accept this explanation of the discrepancy. Therefore, the spelling "Claus Müller" as it appears on the declaration is being accepted.

DECISION

The declaration filed on 26 June 2009 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 **26 June 2009**.

/George Dombroske/
George Dombroske
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07 AUG 2008

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BROWDY AND NEIMARK, P.L.L.C.
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WASHINGTON DC 20001-5303

In re Application of	:	
DE RUITER, et al.	:	
U.S. Application No.: 12/278,247	:	DECISION ON PETITION
PCT No.: PCT/NL07/50036	:	
Int. Filing Date: 29 January 2007	:	UNDER 37 CFR 1.137(b)
Priority Date: 30 January 2006	:	
Attorney Docket No.: DE RUITER 1	:	
For: AERATED FOOD PRODUCT AND METHOD	:	
OF MANUFACTURING SUCH PRODUCT	:	

The petition to revive under 37 CFR 1.137(b) filed 04 August 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the papers necessary to perfect the completion of entry into the U.S. national phase of this case from the due date for entry into the U.S. national phase (July 30, 2008) until the filing of this grantable petition, 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. It is noted that applicant did not include the petition fee on the filed credit card form. As authorized, the fee will be charged to deposit account number 02-4035. 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.

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25 SEP 2009

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07278
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In re Application of :
HESSELMANS *et al* :
Application No.: 12/278,275 :
PCT No.: PCT/NL2007/050007 :
Int. Filing Date: 10 January 2007 :
Priority Date: 02 February 2006 : **DECISION**
Attorney Docket No.: 07238/0209765-US0 :
For: PROCESS FOR THE PREPARATION :
OF DISPERSIONS OF :
CROSS-LINKING AGENTS IN WATER :

This is a decision on the declaration filed on 15 June 2009 which has been treated under 37 CFR 1.42. No fee is required.

BACKGROUND

On 14 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required.

On 15 June 2009, applicants filed a response which was accompanied by, *inter alia*, a five-month extension and fee, the surcharge fee and a declaration executed by one of the two named inventors and by a legal representative of an inventor.

DISCUSSION

A legal representative executed the declaration for deceased co-inventor, Laurentius Hesselmans.

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 citizenship, residence and address of the legal representative of the deceased inventor must be recorded on the declaration pursuant to 37 CFR 1.497(b)(2). Here, the information for the legal representative is illegible with regard to

their residence and the citizenship information for the legal representative is missing.

Therefore, the declaration is not in compliance with 37 CFR 1.497(a) and (b) and is not accepted.

CONCLUSION

For the reason listed above, applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service 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.

James Thomson

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01 DEC 2009

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New York NY 10008-0770

In re Application of: HESSELMANS, et al. U.S. Application No.: 12/278,275 PCT No.: PCT/NL2007/050007 International Filing Date: 10 January 2007 Priority Date: 02 February 2006 Atty Docket No.: 07238/0209765-US0 For: PROCESS FOR THE PREPARATION OF DISPERSIONS OF CROSS-LINKING AGENTS IN WATER	DECISION REGARDING RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the "Response To Notification Of Defective Response/Decision On Declaration" filed by applicants on 01 October 2009, treated herein as a renewed submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decision mailed on 25 September 2009. The decision dismissed without prejudice applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Laurentius Cornelis Josephus HESSELMANS. Specifically, the decision noted that the declaration filed by applicants on behalf of the deceased inventor did not set forth the citizenship of the legal representative, as required, and the residence information for the legal representative was not legible.

On 29 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) requiring submission of an oath or declaration properly executed on behalf of the deceased inventor.

On 01 October 2009, applicants filed the "Response To Notification Of Defective Response/Decision On Declaration" considered herein, accompanied by a revised declaration executed on behalf of the deceased inventor.

DISCUSSION

The revised declaration filed 01 October 2009 is re-executed on an added supplemental page by Marthe Hesselmans as legal representative of deceased inventor Laurentius Cornelis

Josephus HESSELMANS. The supplemental sheet expressly identifies Marthe Hesselmans as the legal representative of the deceased inventor and it includes all required information with respect to the legal representative (including the legal representative's citizenship, residence, and mailing address). Accordingly, the revised declaration filed 01 October 2009 is appropriately accepted under 37 CFR 1.42 and 1.497 with respect to deceased inventor Laurentius Cornelis Josephus HESSELMANS (the previously filed declaration was acceptable with respect to the surviving co-inventor, Andries Johannes DERKSEN).

CONCLUSION

Applicants' renewed request for status under 37 CFR 1.42 with respect to deceased inventor Laurentius Cornelis Josephus HESSELMANS 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. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 01 October 2009.

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1 2 NOV 2009

Nixon & Vanderhye, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of: MUTSAERS, et al. U.S. Application No.: 12/278,362 PCT No.: PCT/EP2007/001134 International Filing Date: 06 February 2007 Priority Date: 06 February 2006 Attorney's Docket No.: GRT/4662-877 For: NOVEL OXIDOREDUCTASES AND USES THEREOF	COMMUNICATION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the declaration submitted on 03 June 2009 which is being treated as a Request under 37 CFR 1.42.

BACKGROUND

On 06 February 2007, applicants filed international application PCT/EP2007/001134. 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 payment of the basic national fee was 06 August 2008 (thirty months from the priority date).

On 05 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, a copy of the international application into English, and a preliminary amendment.

On 05 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497. Furthermore, the Notification indicated that a Sequence Listing had not been filed as required by 37 CFR 1.821-1.825. The notification set a two-month time limit in which to respond.

On 03 June 2009, applicants submitted a Sequence Listing as required by 37 CFR 1.821-1.825 and a declaration executed by the three joint inventors and Natalja Alekseevna Cyplenkova, on behalf of the deceased inventor, Albertus Alard van Dijk. This declaration is considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

A. Submission under 37 CFR 1.42

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.

The declaration filed 03 June 2009 was executed by Natalja Alekseevna Cyplenkova as "legal representative" to the deceased inventor (Albertus Alard van Dijk). The declaration provides the residence, post office address, and country of citizenship for the legal representative. Additionally, the declaration provides the country of citizenship for the deceased inventor. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

B. Sequence Listing

The declaration was accompanied by a Sequence Listing in Paper and Computer Readable Form. A review of the Raw Sequence Listing by the Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) reveals that the nucleotide and/or amino acid sequence disclosure contained in the application does not comply with the requirement for such a disclosure as set forth in 37 CFR 1.821 -1.825. (See PRIVATE PAIR for document entitled Computer Readable Form (CRF) for Sequence Listing - Defective dated 03 June 2009.) Accordingly, the proper reply has not been furnished.

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

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 Defective

Response (Form PCT/DO/EO/916) and a Notification to Comply with Requirements for Patent Applications Containing Nucleotide Sequence And/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/920) indicating that applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825.

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.

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MINNEAPOLIS, MN 55402

In re Application of MALTSEV et al	:	
U.S. Application No.: 12/278,368	:	
PCT Application No.: PCT/RU2006/000045	:	
Int. Filing Date: 06 February 2006	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: 884.G79US1	:	
For: METHOD AND APPARATUS FOR	:	
SUPPRESSING CO-CHANNEL INTERFERENCE	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 04 May 2009.

BACKGROUND

On 06 February 2006, applicant filed international application PCT/RU2006/000045. A copy of the international application was communicated to the USPTO from the International Bureau on 16 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 06 August 2008.

On 05 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 29 September 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 May 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 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.
>
> * * *
>
> 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 fails to state whether joint inventor Alexey Rubtsov cannot be found or refuses to sign. In the event petitioner alleges that inventor Rubtsov cannot be found, the petition does not sufficiently illustrate that a diligent effort was made to reach inventor Rubtsov. In particular, although the petition includes documentary evidence of three attempts to contact inventor Rubtsov by postal mail (see affidavit of Chris Hammond, ¶4), there is no evidence of any effort to reach inventor Rubtsov by alternative means such as by telephone, by electronic mail, by searching directories, and by contacting inventor Rubtsov's former employer and/or co-workers. Thus, it would not be reasonable to conclude at the present time that inventor Rubtsov cannot be found. In the event petitioner alleges that inventor Rubtsov refuses to sign, although the three letters sent to inventor Rubtsov adequately show that a bona fide attempt was made to

present a copy of the application papers to inventor Rubtsov for signature, it is not been sufficiently established that inventor Rubtsov refuses to sign. Specifically, it has not been demonstrated that inventor Rubtsov actually received either of the first and second letters. There is no documentary evidence of delivery of the first letter, and the second letter was not signed for by inventor Rubtsov. Until it is shown that inventor Rubtsov was in fact present at his last known address at the time the second letter was delivered, it would not be reasonable to conclude that inventor Rubtsov refuses to join in the application.

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.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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14 DEC 2009

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

In re Application of MALTSEV et al	:	
U.S. Application No.: 12/278,368	:	
PCT Application No.: PCT/RU2006/000045	:	
Int. Filing Date: 06 February 2006	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: 884.G79US1	:	
For: METHOD AND APPARATUS FOR	:	
SUPPRESSING CO-CHANNEL INTERFERENCE	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 27 August 2009.

BACKGROUND

On 06 February 2006, applicant filed international application PCT/RU2006/000045. A copy of the international application was communicated to the USPTO from the International Bureau on 16 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 06 August 2008.

On 05 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 29 September 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 May 2009, applicant filed a petition under 37 CFR 1.47(a).

On 22 June 2009, this Office mailed a decision dismissing the 04 May 2009 petition.

On 27 August 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

The renewed petition includes a declaration executed by the previously nonsigning inventor. This is a proper response to the decision mailed 22 June 2009.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 06 February 2006 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 27 August 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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0 7 APR 2010

WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON, DC 20006

In re Application of STERN et al	:	
U.S. Application No.: 12/278,378	:	
PCT Application No.: PCT/IL2007/000152	:	
Int. Filing Date: 06 February 2007	:	DECISION
Priority Date Claimed: 06 February 2006	:	
Attorney Docket No.: 85189-13800	:	
For: ENZYME REPLACEMENT THERAPY FOR	:	
TREATING LYSOSOMAL STORAGE DISEASES	:	

This is in response to applicant's correspondence filed 18 February 2010, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 06 February 2007, applicant filed international application PCT/IL2007/000152, which claimed priority of an earlier United States application filed 06 February 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 16 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 06 August 2008.

On 05 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 06 November 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 29 December 2008, applicant filed executed declarations.

On 25 January 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declarations filed 29 December 2008 were not properly executed by the fifth named inventor.

On 18 February 2010, applicant filed the present petition under 37 CFR 1.181.

On 08 March 2010, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated 18 February 2010 as the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements.

DISCUSSION

A review of the declarations filed 29 December 2008 reveals that each inventor's signature appears on at least one of the declarations. Therefore, the Notification of Defective Response was sent in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 25 January 2010 is hereby VACATED.

The Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 08 March 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 06 February 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 29 December 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which should identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 29 December 2008.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

CST

March 18, 2009

In re application of Toshinobu Niinae Serial No. 12/278,443 Filed: August 6, 2008 For: METHOD FOR PRODUCING RARE EARTH METAL-BASED PERMANENT MAGNET HAVING COPPER PLATING FILM ON SURFACE THEREOF	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 23, 2008.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED

SEP 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Hiroyuki Katsuta, et al.	:	
Application No. 12/278,498	:	DECISION GRANTING PETITION
Filed: August 6, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1034232-000107	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 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 August 12, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1621 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.*

Patent
Attorney Docket No. 1034232-000107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	**MAIL STOP 313(c)**
Hiroyuki Katsuta et al.	Group Art Unit: 1621
Application No.: 12/278,498	Examiner: Peter G. O'Sullivan
Filed: August 6, 2008	Confirmation No.: 2174
For: PROCESS FOR PRODUCING O-METHYL-N-NITROISOUREA	

PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. § 1.313(c)(2)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. §1.313(c)(2), applicants hereby petition to have the present application withdrawn from issue for consideration of the concurrently filed Request for Continued Examination and Information Disclosure Statement.

A check in the amount of $130 for the petition fee as required in 37 C.F.R. §1.17(h) is provided herewith. If any additional fee is required, the Commissioner is authorized to charge any additional fees that may be required in connection with the instant Petition and concurrent Request for Continued Examination and Information Disclosure Statement to Deposit Account No. 02-4800.

Should additional information be required concerning any aspect of the instant Petition, the undersigned attorney may be contacted at the number provided below.

Respectfully submitted,
BUCHANAN INGERSOLL & ROONEY PC

By: Robert G. Mukai
Robert G. Mukai
Registration No. 28531

10/01/2009 CKHLOK 00000015 024800 12278498
01 FC:1464 130.00 DA

Customer No. 21839
703 836 6620

Date: September 28, 2009

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P.O. BOX 1450
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13 AUG 2008

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

In re Application of JACOBS et al	:	
U.S. Application No.: 12/278,508	:	
PCT Application No.: PCT/EP2007/000197	:	
Int. Filing Date: 11 January 2007	:	
Priority Date Claimed: 11 January 2006	:	
Attorney Docket No.: BHD-4662-890	:	DECISION
For: PROCESS FOR THE PRODUCTION OF A	:	
MONOLAYER COMPOSITE ARTICLE, THE	:	
MONOLAYER COMPOSITE ARTICLE AND A	:	
BALLISTIC-RESISTANT ARTICLE	:	

This is in response to applicant's "Rule 137(b) Petition for Revival of an Unintentionally Abandoned International Application for Patent Designating the U.S." filed 06 August 2008.

BACKGROUND

On 11 January 2007, applicant filed international application PCT/EP2007/000197, which claimed priority of an earlier European Patent Office application filed 11 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 19 July 2007. The thirty-month period for paying the basic national fee in the United States expired on 11 July 2008.

On 12 July 2008, international application PCT/EP2007/000197 became abandoned as to the United States for failure to timely pay the basic national fee.

On 06 August 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

27 OCT 2008

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BERESKIN AND PARR
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2
CANADA

In re Application of	:	
KENNEDY	:	
Application No.: 12/278,519	:	DECISION
PCT No.: PCT/CA2006/000807	:	
Int. Filing Date: 17 May 2006	:	
Priority Date: 06 February 2006	:	
Attorney's Docket No.: 20095-88	:	
For: THERAPY DEVICE AND SYSTEM AND	:	
METHOD FOR REDUCING HARMFUL	:	
EXPOSURE TO ELECTROMAGNETIC	:	
RADIATION	:	

This is a decision on applicants' submission filed 18 August 2008 which has properly been treated as a petition under 37 CFR 1.182. The petition fee of $400.00 has been paid. The petition is **GRANTED** as discussed below.

On 06 August 2008, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter. The international application number keyed into EFS-Web was PCT/US06/00807. However, the Transmittal Letter indicates the international application number as PCT/CA2006/000807.

On 18 August 2008, applicants filed the instant petition under 37 CFR 1.182.

A review of the application file including counsel's statements in the instant submission, as well as a review of the international publication of PCT/US2006/000807, reveals that the present application should in fact be the national stage application of international application **PCT/CA2006/000807**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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SANCHELIMA & ASSOCIATES, P.A.
JESUS SANCHELIMA, ESQ.
235 S.W. LE JEUNE ROAD
MIAMI FL 33134

COPY MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Jose Clavel Escribano	:	
Application No. 12/278,534	:	DECISION ON PETITION
Filed: August 6, 2008	:	TO WITHDRAW
Attorney Docket No. **280263**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 5, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Jesus Sanchelima on behalf of all attorneys of record who are associated with Customer No. 01818.

All attorneys/agents associated with the Customer No. 01818 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 Jose Clavel Escribano at the address list below.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: JOSE CLAVEL ESCRIBANO
c/ALFONSO X EL SABIO, 11
MURCIA E-300-08 ES SPAIN

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/278,534	08/06/2008	Jose Clavel Escribano	280263

CONFIRMATION NO. 2413

POWER OF ATTORNEY NOTICE

1818
SANCHELIMA & ASSOCIATES, P.A.
JESUS SANCHELIMA, ESQ.
235 S.W. LE JEUNE ROAD
MIAMI, FL 33134

OC000000037788060

Date Mailed: 09/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/05/2009.

- 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.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/278,545	08/06/2008	Sung-Duck Chun	2101-3565	2527

35884 7590 07/14/2009
LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER

ART UNIT	PAPER NUMBER
2417	

NOTIFICATION DATE	DELIVERY MODE
07/14/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com

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Lee, Hong, Degerman, Kang & Waimey
660 S. Figueroa Street, Suite 2300
LOS ANGELES CA 90017

In re Application of: Sung-Duck Chun, et al.
Application No. 12/278,545
Filed: August 6, 2008
For: **METHOD FOR OPERATING ENHANCED RLC ENTITY AND RNC ENTITY FOR WCDMA AND SYSTEM THEREOF**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

JUL 14 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 7, 2009, to make the above-identified application special.

The petition is **DISMISSED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 failed item (3) above, because the claims in the US application do not sufficiently correspond in scope to the claims in the KIPO patent. Independent claims 21, 30, 34 and 41 are different in scope from the corresponding KIPO allowed claims 1, 9, 17 and 24.

Accordingly, the Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Responses must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Hassan Kizou
Quality Assurance Specialist, Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/278,545	08/06/2008	Sung-Duck Chun	2101-3565	2527

35884 7590 10/21/2009
LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER

ART UNIT	PAPER NUMBER
2417	

NOTIFICATION DATE	DELIVERY MODE
10/21/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com

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Lee, Hong, Degerman, Kang & Waimey
660 S. Figueroa Street, Suite 2300
LOS ANGELES CA 90017

In re Application of: Sung-Duck Chun, et al.
Application No. 12/278,545
Filed: August 6, 2008
For: **METHOD FOR OPERATING ENHANCED RLC ENTITY AND RNC ENTITY FOR WCDMA AND SYSTEM THEREOF**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

OCT 20 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 7, 2009, and renewed on July 17, 2009, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition previously failed item (3) above, because the claims in the US application do not sufficiently correspond in scope to the claims in the KIPO patent. Independent claims 21, 30, 34 and 41 are different in scope from the corresponding KIPO allowed claims 1, 11, 17 and 24. The preliminary amendment filed July 17, 2009 addressed that deficiency.
The request to participate in the PPH pilot program and petition are now found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
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In re Application of:	:	
CATCHPOLE, Owen, John, et al.	:	DECISION
U.S. Application No.: 12/278,554	:	(37 CFR 1.181)
PCT No.: PCT/NZ2007/000024	:	
Int'l Filing Date: 01 February 2007	:	
Priority Date: 07 February 2006	:	
Attorney's Docket No.: 480263.401USPC	:	
For: NEAR-CRITICAL FLUID	:	
EXTRACTION PROCESS	:	

This decision is issued in response to the "Petition Under 37 CFR 1.181 To Withdraw A Notification Of Defective Response" filed 15 January 2010. No petition fee is required.

BACKGROUND

On 01 February 2007, applicant filed international application PCT/NZ2007/000024. The application claimed a priority date of 07 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 priority date, i.e., 07 August 2008.

On 06 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.

On 25 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, the surcharge for filing the declaration later than thirty months after the priority date, the search fee, the examination fee, and additional claims fees were required.

On 25 June 2009, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included an executed declaration, payment of the required surcharge, search fee, and examination fee, a preliminary amendment to the claims, and payment of additional claims fees. The submission also included the a "Fee Deficiency Authorization Form" authorizing a charge to Deposit Account No. 19-1090 for deficiencies in fees due (the preliminary amendment also contained the authorization to charge Deposit Account No. 19-1090 "any additional fees due by this Amendment").

On 12 November 2009, the DO/EO/US issued a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that additional claims fee of $428 were required.

On 15 January 2010, applicants filed the "Petition Under 37 CFR 1.181 To Withdraw A Notification Of Defective Response" considered herein. The petition argues that the Notification Of Defective Response was issued in error and should be vacated. The petition also asserts that the Notification Of Defective Response was not received by applicants.

DISCUSSION

A review of the application file confirms that applicants' 25 June 2009 submission in response to the Notification Of Missing Requirements included the authorization to charge Deposit Account No. 19-1090 for any deficiency in required fees. In view of this authorization, the issuance of a Notification Of Defective Response requiring submission of additional claims fees was improper. Accordingly, the "Notification Of Defective Response" (Form PCT/DO/EO/916) issued 12 November 2009 is appropriately withdrawn, as requested by applicants in the present petition.

Based on the authorization provided by applicants on 25 June 2009, Deposit Account No. 19-1090 has been charged the $428 in additional claims fees required by the vacated Notification Of Defective Response.

CONCLUSION

The "Petition Under 37 CFR 1.181 To Withdraw A Notification Of Defective Response" is **GRANTED**.

The "Notification Of Defective Response" (Form PCT/DO/EO/916) issued 12 November 2009 is hereby **VACATED**.

Deposit Account No. 19-1090 has been charged the $428 in additional claims fees required by the vacated Notification Of Defective Response.

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 June 2009.

Richard M. Ross
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Office of PCT Legal Administration
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TECHNOLOGY CENTER 2600

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In re Application of	:	
LEE, YOUNG DAE et al.	:	DECISION ON REQUEST TO
Application No. 12/278,566	:	PARTICIPATE IN PATENT
Filed: August 06, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No.: 2101-3548	:	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 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 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/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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CST

SEP 3 0 2008

In re application of	:	DECISION ON REQUEST TO
Harumi Handa	:	PARTICIPATE IN PATENT
Serial No. 12/278,601	:	PROSECUTION HIGHWAY
Filed: August 7, 2008	:	PILOT PROGRAM AND
For: EXOTHERMIC AGENT	:	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, together with the preliminary amendment filed August 7, 2008.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition 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

1 3 AUG 2008

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In re Application of: SUPPES, Galen, J., et al. :
U.S. Application No.: 12/278,634 :
PCT No.: PCT/US2006/042707 :
International Filing Date: 31 October 2006 :
Priority Date: 31 October 2005 :
Atty Docket No.: 483771 :
For: METHOD OF PRODUCING LOWER :
ALCOHOLS FROM GLYCEROL :

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 07 August 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 30 April 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 included payment of the small entity petition fee, as well 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," satisfying the requirement of 37 CFR 1.137(b)(3). The petition was also accompanied by 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.

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 filed an executed oath or declaration in compliance with 37 CFR 1.497.

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19 AUG 2009

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BOULDER CO 80301

In re Application of:	:	
SUPPES, Galen, J., et al.	:	
U.S. Application No.: 12/278,634	:	DECISION
PCT No.: PCT/US2006/042707	:	
International Filing Date: 31 October 2006	:	
Priority Date: 31 October 2005	:	
Atty's Docket No.: 483771	:	
For: METHOD OF PRODUCIN LOWER	:	
ALCOHOLS FROM GLYCEROL	:	

This decision is issued in response to applicants' "Petition For Filing When An Inventor Refuses To Sign Or Cannot Be Reached (37 CFR 1.47(b))" filed 01 July 2009 and supplemented on 06 July 2009. Applicant has paid the required petition fee.

BACKGROUND

On 31 October 2006, applicants filed international application PCT/US2006/042707. The international application claimed a priority date of 31 October 2005, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 April 2008.

Applicants did not request entry into the national stage in the United States and pay the basic national fee prior to the expiration of the thirty-month deadline, resulting in abandonment of the international application with respect to the United States.

On 07 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 petition for revival of the international application under 37 CFR 1.137(b).

On 13 August 2008, this Office mailed a decision granting the petition for revival.

On 01 December 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 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 01 July 2009, applicants filed a response to the Notification Of Missing Requirements (with required five-month extension fee). The response included a declaration executed by one of the two inventors of record and the "Petition For Filing When An Inventor Refuses To Sign Or Cannot Be Reached (37 CFR 1.47(b))" considered herein. The petition requested acceptance of the application without the signature of inventor Galen J. SUPPES, whom applicants asserted had refused to execute the application.

On 06 July 2009, applicants filed the "Supplemental Petition For Filing When An Inventor Refuses To Sign Or Cannot Be Reached (37 CFR 1.47(b))" also considered herein. This submission was accompanied by a declaration executed by previously non-signing inventor Galen J. SUPPES.

DISCUSSION

The "Supplemental Petition For Filing When An Inventor Refuses To Sign Or Cannot Be Reached (37 CFR 1.47(b))" filed 06 July 2009, was accompanied by a declaration executed by both of the inventors of record herein, including Galen J. SUPPES, the previously non-signing inventor who was the subject of the petition under 37 CFR 1.47 filed on 01 July 2009. Based on the submission of a fully executed declaration in compliance with 37 CFR 1.497, applicants' petition under 37 CFR 1.47 seeking acceptance of the application without the signature of all inventors is now moot.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT** based on the submission of a fully executed declaration in compliance with 37 CFR 1.497.

Deposit Account No. 12-0600 will be charged the $65 surcharge required for filing the executed declaration later than thirty months after the priority date.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 July 2009.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/278,650	08/07/2008	Kouichi Nishikido	08481/LH	3483

7590 06/24/2010
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
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EXAMINER
KACKAR, RAM N

ART UNIT	PAPER NUMBER
1716	

MAIL DATE	DELIVERY MODE
06/24/2010	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.

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(The Webb Firm)
1 Becton Drive, MC 110
Franklin Lakes NJ 07414-1880

In re Application of: SWENSON, Kirk, D., et al. U.S. Application No.: 12/278,671 PCT No.: PCT/US2007/003439 International Filing Date: 08 February 2007 Priority Date: 08 February 2006 Atty Dkt No.: 3896-082518 (P-7098/2) For: IMPROVED LABEL PROCESSOR AND METHOD RELATING THERETO	DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Petition To Remove Inventor Pursuant To 37 C.F.R. §1.497" filed 14 October 2009. Applicants have paid the required $130 processing fee.

BACKGROUND

On 08 February 2007, applicants filed international application PCT/US2007/003439. The application claimed a priority date of 08 February 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., 08 August 2008.

The revised publication of the international application (WO2007/092587 A3) identified four applicant/inventors for the U.S.: Robert S. GOLABEK, JR., Dimitrios MANOUSSAKIS, Kirk D. SWENSON, and Yuguang WU.

On 07 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.

On 24 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) was mailed requiring submission of an executed oath or declaration in compliance with 37 CFR 1.497 was required.

On 20 March 2009, applicants filed a response to the Notification Of Missing Requirements (with required two-month extension fee). The submission included a declaration executed by the three of the four inventors of record; however, the declaration did not name the remaining inventor of record, Dimitrios MANOUSSAKIS.

On 15 September 2009, the DO/EOO/US mailed a "Notification Of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 20 March 2009 was defective in that it failed to include all the inventors of record and because it appeared to be a compilation of multiple documents.

On 14 October 2009, applicants filed a response to the Notification Of Defective Response that included complete copies of the previously filed declaration (resolving the compilation defect) and the "Petition To Remove Inventor Pursuant To 37 C.F.R. §1.497" considered herein. The petition requests that Dimitrios MANOUSSAKIS be deleted as an inventor of record from the present application.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

The declarations filed by applicants on 14 October 2009 names an inventive entity different than that set forth in the international application. Specifically, Dimitrios MANOUSSAKIS is not included on the declarations. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declarations can be accepted.

Applicants' 14 October 2009 submission includes the required statement of non-deceptive intent from the person to be deleted as an inventor, as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. In addition, applicants' 14 October 2009 submission included a statement of consent to the requested change from the assignee, Becton, Dickinson and Company, and the consent is provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore satisfied.

Based on the above, applicants have satisfied the requirements of a grantable request to correct the inventors of record under 37 CFR 1.497(d).

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to remove Dimitrios MANOUSSAKIS as an inventor of record

Based on the correction of inventorship, the complete declarations filed on 14 October 2009 are acceptable in compliance with 37 CFR 1.497(a) and (b).

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 October 2009.

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20 JUL 2009

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WILLIAM E. HICKMAN
% SHELL OIL COMPANY
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In re Application of	:
MCMILLIAN (deceased)	: DECISION ON
Serial No.: 12/278,673	:
PCT No.: PCT/US07/61850	: DECLARATION
Int. Filing Date: 08 February 2007	:
Priority Date: 09 February 2006	: UNDER 37 CFR 1.42
Atty. Docket No.: TH3010 US	:
For: CURRENT TANK SYSTEMS AND METHODS	:

This is in response to applicant's Declaration which was filed in the United States Patent and Trademark Office (USPTO) on 29 January 2009.

BACKGROUND

On 07 August 2008, applicant filed a transmittal Letter requesting entry into the U.S. national stage for PCT/EP07/52919, along with the basic national fee.

On 01 December 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 29 January 2009, applicant filed a response along with four executed declarations.

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 January 2009, identified the deceased inventor David Wayne McMillian and identified Janet Kay McMillian as the sole heir of deceased inventor. It is unclear whether a 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 declaration is defective because it does not state the country of citizenship, residency and mailing address for *both* the deceased inventor and his heir, to meet the requirements for compliance with 37 CFR 1.497. The requirements of 37 CFR 1.497 (a) and (b) have not been met and the declaration is unacceptable as filed. Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

Since the declaration is unacceptable under 37 CFR 1.497 (a) and (b), a newly executed declaration by the heir of David Wayne McMillian is required which identifies all the inventors and their citizenship and sets forth the country of citizenship, residency and mailing address for *both* the deceased inventor and his heir. Applicant may wish to consider employing the USPTO forms PTO/SB/01 and PTO/SB/02LR.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 and 37 CFR 1.497(b) is **DISMISSED WITHOUT PREJUDICE.**

Applicant must respond within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter 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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: 571-272-3286
Facsimile: 571-273-0459

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0 2 FEB 2010

WILLIAM E. HICKMAN
% SHELL OIL COMPANY
P O BOX 2463
HOUSTON TX 77252-2463

In re Application of MCMILLIAN (deceased) Serial No.: 12/278,673 PCT No.: PCT/US07/61850 Int. Filing Date: 08 February 2007 Priority Date: 09 February 2006 Atty. Docket No.: TH3010 US For: CURRENT TANK SYSTEMS AND METHODS	DECISION ON DECLARATION UNDER 37 CFR 1.42

This is in response to applicant's Declarations which were filed in the United States Patent and Trademark Office (USPTO) on 09 September 2009.

BACKGROUND

On 07 August 2008, applicant filed a transmittal Letter requesting entry into the U.S. national stage for PCT/EP07/52919, along with the basic national fee.

On 01 December 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 29 January 2009, applicant filed a response along with four executed declarations. On 20 July 2009, a decision dismissing the request for status under 37 CFR 1.42 was mailed. On 09 September 2009, applicant submitted a PTO form SB/02LR.

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 09 September 2009, identified the deceased inventor David Wayne McMillian and identified Janet Kay McMillian as the legal representative of deceased inventor. It is now clear that Janet Kay McMillian is the widow and the legal

representative of the deceased's estate. The declaration identifies the country of citizenship, residency and mailing address for *both* the deceased inventor and his legal representative, to meet the requirements for compliance with 37 CFR 1.497. The declaration is acceptable. 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. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 09 September 2009.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/278,718	12/09/2008	Kenichi Higuchi	17401/072001	3979

22511 7590 05/07/2010
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
FEILD, LYNN DIANA

ART UNIT	PAPER NUMBER
2400	

NOTIFICATION DATE	DELIVERY MODE
05/07/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
buta@oshaliang.com

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MAY 06 2010

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
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HOUSTON TX 77010

In re Application of: HIGUCHI, KENICHI et al.
Application No. 12278718
Filed: December 9, 2008
For: TRANSMISSION DEVICE AND TRANSMISSION METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 6, 2010, to make the above-identified application special.

The petition is **DISMISSED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of 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 failed items (2) and (5) above. Applicant failed to submit a statement to the fact that the English translation of the JPO allowable/patentable claim(s) and the English translation of the JPO Office action are accurate. The submitted statement indicates that the translator certifies that the attached English language translation is a correct, true and faithful translation of Japanese Patent Application No. 2006-164449. The statement does not address the translation of the JPO allowed claims and Office action.

Accordingly, the Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Responses must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/278,718	12/09/2008	Kenichi Higuchi	17401/072001	3979

22511 7590 06/24/2010
OSHA LIANG L.L.P.
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HOUSTON, TX 77010

EXAMINER
FEILD, LYNN DIANA

ART UNIT	PAPER NUMBER
2400	

NOTIFICATION DATE	DELIVERY MODE
06/24/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
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HOUSTON TX 77010

In re Application of: HIGUCHI, KENICHI et al.
Application No. 12278718
Filed: December 9, 2008
For: TRANSMISSION DEVICE AND TRANSMISSION METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 1, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of 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 are now 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/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

14 OCT 2008

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LERNER GREENBERG STEMER LLP
P.O. BOX 2480
HOOLYWOOD FL 33022-2480

In re Application of	:	DECISION ON
VOJACEK et al	:	
Application No.: 12/278,721	:	
PCT No.: PCT/EP2006/009793	:	
Int. Filing Date: 11 October 2006	:	PETITION UNDER
Priority Date: 14 October 2005	:	
Attorney's Docket No.: WWL- 9319	:	
For: FRICTION GEAR	:	37 CFR 1.137(b)

This decision is in response to petitioner'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 07 August 2008.

BACKGROUND

On 11 October 2006, this international application was filed, claiming an earliest priority date of 14 October 2005.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 14 April 2008. This international application became abandoned with respect to the United States at midnight on 14 April 2008 for failure to pay the required basic national fee.

On 07 August 2008 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 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 **07 August 2008.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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18 NOV 2008

PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON, DC 20005

In re Application of STOLOFF et al	:	
U.S. Application No.: 12/278,728	:	
PCT Application No.: PCT/GB2007/000383	:	
Int. Filing Date: 05 February 2007	:	DECISION
Priority Date Claimed: 07 February 2006	:	
Attorney Docket No.: PWF1.UTL	:	
For: PEPTIDE SEQUENCES AND COMPOSITIONS	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 29 September 2008.

BACKGROUND

On 05 February 2007, applicant filed international application PCT/GB2007/000383, which claimed priority of an earlier United Kingdom application filed 07 February 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 16 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 07 August 2008.

On 07 August 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 25 September 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned as to the United States for failure to timely pay the basic national fee.

On 29 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.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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OFFICE OF PETITIONS

PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON, DC 20005

In re Application of
Gregory Alan Stoloff, et al.
Application No. 12/278,728
Filed: May 26, 2009
Attorney Docket No. 74767.00201.UTL

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 19, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Paul, Hastings, Janofsky & Walker, LLP has been revoked by the assignee of the patent application on May 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 undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: GREGORY ALAN STOLOFF
32 ROYAL AVENUE
LONDON SW3 4QE GB

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Heslin Rothenberg Farley & Mesiti, PC
5 Columbia Circle
Albany, NY 12203

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OCT 08 2008

OFFICE OF PETITIONS

In re Application of :
Alexander Levin :
Application No. 12/278,733 : DECISION ON PETITION
Effectively filed: August 7, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 3152.005A : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 23, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a photocopy of applicant's passport and driver's license and a statement by the attorney of record on behalf of the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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29 AUG 2008

61060
WINSTEAD PC
P.O. Box 50784
Dallas, TX 75201

In re Application of
VORA, Theodore Chen
U.S. Application No.: 12/278,755
PCT No.: PCT/US2006/032035
Int. Filing Date: 16 August 2006
Priority Date: 16 August 2005
Docket No.: 43240-P001WO
For: ROCKET RIG DRILLING APPARATUS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is in response to the applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 07 August 2008.

The petition to revive under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

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 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 Commissioner may require additional information. *See* MPEP 711.03(c)(III)(C) and (D).

Here, the showing of record raises questions as to whether the abandonment of this application was unintentional within the meaning of 35 USC 41(a)(7) and CFR 1.137(b). As such, item (3) is not satisfied.

35 U.S.C. § 41(a)(7) authorizes the Commissioner to accept a petition "for the revival of an unintentionally abandoned application for a patent." 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). *See In re Application of G*, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b).

While the required statement has been provided, additional information explaining the

delay is required. Specifically, applicants must explain why applicant requested that his agent not to pursue a national stage filing of PCT/US2006/032035.

Applicants should provide an affidavit from Mr. Shaddox explaining the circumstances of the decision not to enter the national stage. Applicants must also provide another affidavit from Theodore Chen Vora explaining the rationale of his decision not to pursue national stage filing. Copies of all correspondence between counsel and applicant regarding the subject application; and any additional evidence that supports the claim that the entire delay was unintentional should also be provided in a renewed petition.

The application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper response containing the additional information requested must be filed within **TWO (2) MONTHS** from the mail date of this decision. 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 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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

0 3 JUN 2009

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Dallas, TX 75201

In re Application of :
VORA, Theodore Chen :
U.S. Application No.: 12/278,755 :
PCT No.: PCT/US2006/032035 :
Int. Filing Date: 16 August 2006 :
Priority Date: 16 August 2005 :
Docket No.: 43240-P001WO :
For: ROCKET RIG DRILLING APPARATUS :

DECISION ON RENEWED PETITION UNDER 37 CFR 1.137(b)

This decision is in response to the renewed petition to revive under 37 CFR 1.137(b) filed 29 December 2008, which is hereby **GRANTED** as follows:

Items (1) and (2) of 37 CFR 1.137(b)[1] were satisfied in the initial petition. Item (4) is not required. However, the prior decision noted that there was a question as to whether the abandonment of this application was unintentional. As such, item (3) of 37 CFR 1.137(b) was not satisfied.

Petitioner was requested to explain why applicant requested that his agent not pursue a national stage filing of PCT/US2006/032035. An affidavit from Mr. Shaddox and Mr. Vora explaining the circumstances of the decision not to enter the national stage was requested. Copies of all relevant correspondence between counsel and applicant were also requested.

In the renewed petition, applicants provided declarations by Mr. Shaddox and Mr. Vora explaining that the reason for the direction not to pursue a national stage application for PCT/US2006/032035 was the result of a misunderstanding, *i.e.,* Mr. Vora believed that he had a parallel nonprovisional U.S. application pending. Mr. Shaddox explained that the nonprovisional application was discussed, but not filed. *See* Shaddox Decl. at ¶ 6. The documentation provided (Exhibit C) shows that two different applications (one for

[1] A petition under 37 CFR 1.137(b) requires: (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 required by 37 CFR 1.137(d). Applicant included the required petition fee and national stage fees for a small entity with the papers filed 07 August 2009.

12/278,755

US and one for the PCT application) were prepared. This explanation is sufficient to satisfy item (3) of 37 CFR 1.137(b).

All requirements of 37 CFR 1.137(b) are now complete.

This decision also responds to the status inquiry filed 29 December 2008 and again on 23 April 2009.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

0 7 NOV 2008

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

In re Application of MIYAZAKI et al	:	
U.S. Application No.: 12/278,878	:	
PCT Application No.: PCT/JP2007/052204	:	
Int. Filing Date: 08 February 2007	:	
Priority Date Claimed: 08 February 2006	:	
Attorney Docket No.: Q109145	:	
For: METHOD FOR CLEAVAGE OF PEPTIDE BOND AT C-TERMINUS OF PEPTIDE, AND METHOD FOR DETERMINATION OF C-TERMINAL AMINO ACID SEQUENCE OF PEPTIDE	:	DECISION

This is in response to the correspondence filed 08 August 2008, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 08 February 2007, applicant filed international application PCT/JP2007/052204, which claimed priority of an earlier Japan application filed 08 February 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 16 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 08 August 2008.

On 08 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), an executed declaration, and the present request for status under 37 CFR 1.42.

DISCUSSION

The declaration states that joint inventor Akira Tsugita 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 08 August 2008 is in compliance with 37 CFR 1.42 and 37 CFR 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 08 February 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 August 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

0 2 OCT 2008

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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LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

In re Application of KIM, Si Hwan Application No.: 12/278,890 PCT No.: PCT/KR2007/000021 Int. Filing Date: 03 January 2007 Priority Date: 10 January 2006 Docket No.: CKS-139US For: MAGNET HAVING LINEAR MAGNETIC FLUX DENSITY	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 08 August 2008 is **GRANTED**.

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has furnished a declaration of the inventors. However, the international application lists the inventor as "Si Hwan Kim," but the declaration lists the inventor as "Si-Hwan Kim". If this discrepancy is the result of a typographical error, it can be corrected by a statement to that effect under MPEP 201.03 and a statement of which spelling is correct. The surcharge for late filing of the search fee, examination fee or oath or declaration will be charged to deposit account no. 12-0080, as authorized.

A proper reply must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any further correspondence with respect to this matter may be filed electronically 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

1 3 AUG 2008

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LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

In re Application of: KIM, Si, Hwan	:	
U.S. Application No.: 12/278,924	:	DECISION ON PETITION
PCT No.: PCT/KR2007/000135	:	
International Filing Date: 09 January 2007	:	
Priority Date: 10 January 2006	:	
Atty Docket No.: CKS-140US	:	
For: ACCURATE PRESSURE SENSOR	:	

The petition for revival under 37 CFR 1.137(b) filed 08 August 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 10 July 2008 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the small entity petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that applicants' 08 August 2008 submission included an executed declaration. Deposit Account No. 12-0080 will be charged the $65 small entity surcharge for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 08 August 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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WWW.USPTO.GOV

Paper No.

LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

MAILED

APR 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Kim	:	
Application No. 12/278,924	:	
Patent No.: 7,677,108	:	DECISION ON PETITION
Filed: August 8, 2008	:	PURSUANT TO
Issued: March 16, 2010	:	37 C.F.R. § 1.28(c)
Attorney Docket No.: CKS-140US	:	
Title: ACCURATE PRESSURE SENSOR	:	

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on January 26, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Petitioner has identified the particular types of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, the small entity fees that were actually paid, the deficiency owed amounts, and the total deficiency payment owed.

The deficiency payment has been deducted from Deposit Account number 12-0080.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

1 3 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York NY 10036

In re Application of: HAREL, Haim, et al.
U.S. Application No.: 12/278,994
PCT No.: PCT/US2006/042957
International Filing Date: 02 November 2006
Priority Date: 03 November 2005
Atty Docket No.: P-9266-US1
For: AMPLIFYING A TRANSMIT SIGNAL USING A FRACTIONAL POWER AMPLIFIER

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 11 August 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 03 May 2008 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival included the authorization to charge Deposit Account No. 50-3355 the small entity petition fee, as well 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," satisfying the requirement of 37 CFR 1.137(b)(3). The petition was also accompanied by the "required reply" in the form of a request for entry into the U.S. national stage and the authorization to charge Deposit Account No. 50-3355 for required fees, including the small entity basic national fee.

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 filed an executed oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/278,995	08/11/2008	Yoshihiro Nakao	47635-0047-00 (427173)	6786

EXAMINER
KOSSON, ROSANNE

ART UNIT	PAPER NUMBER
1652	

NOTIFICATION DATE	DELIVERY MODE
06/02/2010	ELECTRONIC

7590 06/02/2010
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

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 Harmes

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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.
12/279,001	08/11/2008	Yoshihiro Nakao	47635-0051-00 (427225)	6862

7590 06/02/2010
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER
SAIDHA, TEKCHAND

ART UNIT	PAPER NUMBER
1652	

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.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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0 3 OCT 2008

IPLA P.A.
3580 WILSHIRE BLVD.
17TH FLOOR
LOS ANGELES CA 90010

In re Application of :
JUNG, Man Kil et al. :
Application No.: 12/279,040 :
PCT No.: PCT/KR2007/001521 :
Int. Filing Date: 28 March 2007 :
Priority Date: 28 March 2007 : DECISION
Docket No.: 2088-129 :
For: A METHOD FOR ISOLATION OF :
HIGH CONCENTRATION OF :
MAGNESIUM LITHOSPERMATE B :
FROM SALVIAE MILTIORRHIZAE :

This decision is in response to applicant's request under MPEP 201.03 to correct a typographical error in the name of the inventor filed in the United States Patent and Trademark Office on 11 August 2008.

BACKGROUND

On 11 August 2008, applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, the basic national fee, a declaration of the inventors and this request to correct a typographical error in the name of the first inventor.

DISCUSSION

Applicant requests that the Office correct the first named applicant from "Man Gil Jung" to "Man Kil Jung". However, the name of the inventor was corrected during the international phase. Further, the correct spelling of the inventor's name is reflected on the international publication.

CONCLUSION

For the reasons set forth above, this request is **DISMISSED AS MOOT**.

This application is being forwarded to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 11 August 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

15 DEC 2009

United States Patent and Trademark Office

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AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND CO 80537

In re Application of	:	
Kratzmeier et al.	:	
Application No.: 12/279,046	:	
PCT No.: PCT/EP2006/050862	:	
Int. Filing Date: 10 February 2006	:	DECISION
Priority Date: 10 February 2006	:	
Attorney Docket No.: 20051763-02	:	
For: Protein Analysis Using A Polymethine Marker Dye	:	

This is in response to the correspondence filed on 01 October 2009.

BACKGROUND

This international application was filed on 10 February 2006, claimed no earlier priority date, 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 11 August 2008 (since 10 August 2008 was a Sunday). Applicants filed, *inter alia*, a basic national fee on 11 August 2008.

On 31 October 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 08 January 2009, applicants filed a response, including a declaration and surcharge.

On 06 May 2009, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) reflecting a 35 U.S.C. 371(c)(1), (2) and (4) date of "01/18/2009" were mailed to applicants.

DISCUSSION

Counsel observes that the filing receipt and Notice of Acceptance reflect a 35 U.S.C. 371(c)(1), (2) and (4) date of 18 January 2009, whereas the declaration was filed on 08 January 2009. Review of the record reveals that a declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h) were in fact filed on 08 January 2009, as noted by applicant. Therefore, the Filing Receipts mailed on 06 May 2009 and 14 October 2009, and the Notice of Acceptance mailed on 06 May 2009, were all issued in error, and all are hereby **VACATED**.

DECISION

The request is **GRANTED** for the reasons noted above.

This application is being returned to the Office of Patent Application Processing for the preparation and mailing of a new Filing Receipt and a new Notice of Acceptance (Form PCT/DO /EO/903) reflecting the correct 35 U.S.C. 371(c)(1), (2) and (4) date of **08 January 2009.**

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/279,080	08/12/2008	Yoshihiro Nakao	47635-0050-00 (427224)	7945

7590 06/02/2010
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER
KOSSON, ROSANNE

ART UNIT	PAPER NUMBER
1652	

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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 13 2010

OFFICE OF PETITIONS

PARFOMAK, ANDREW N. NORRIS
MCLAUGHLIN & MARCUS PA
875 THIRD AVE, 8TH FLOOR
NEW YORK, NY 10022

Applicant: Guiseppe BiBono et al.
Appl. No.: 12/279,083
International Filing Date: February 19, 2007
Title: Clothes Conditioning Hanger and Method of Using Same
Attorney Docket: 102792-904(11785P6)
Pub. No.: US 2009/0129972 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 28, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the claim contains an error wherein "any of claim 8" was used rather than "claim 8."

37 CFR 1.221 (b) is applicable "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request for corrected publication, received on August 28, 2009, was not timely filed under 37 CFR 1.221(b).

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b). The published claim 9 recites the phrase "any of claim 8" rather than "claim 8." While the claim is grammatically incorrect, one of ordinary skill in the art would clearly understand the nature of the typographical error and would not be misled as to the scope

[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).

of the claim. This error therefore does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the claim or specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error. See MPEP 1130(b).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

- 3 NOV 2009

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Commissioner for Patents
United States Patent and Trademark Office
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DRINKER BIDDLE & REATH LLP
1500 K Street, NW
Suite 1100
Washington, DC 20005-1209

In re Application of	:	
KARVONEN, Toni	:	
Application No.: 12/279,140	:	DECISION ON
PCT No.: PCT/FI2007/050070	:	
Int. Filing Date: 09 February 2007	:	PETITION
Priority Date: 14 February 2006	:	
Attorney Docket No.: 47121-5047-427382	:	UNDER 37 CFR 1.182
For: ARRANGEMENT IN CONTROL	:	
DEVICE OF WORK MACHINE	:	

This is a decision on applicant's petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 05 January 2009 and is responsive to the Status Request filed 07 April 2009.

BACKGROUND

On 12 August 2008, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The electronic information entered upon filing indicated this application was a national phase of PCT/JP2007/050070. The papers listed international application no. PCT/FI2007/050070.

On 06 November 2008, the Office mailed Notification, informing applicant of the above discrepancy.

On 05 January 2009, applicant filed this petition under 37 CFR 1.182 to correct the above discrepancy.

On 07 April 2009, applicant filed a status inquiry on the above petition.

DISCUSSION

Applicants have explained that the paperwork was intended as a national stage entry of PCT/FI2007/050070. The indications will be corrected in the file and the file will be processed as a national stage entry of PCT/FI2007/050070.

CONCLUSION

For the reasons listed above, the Petition Under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of Patent Application Processing for continued processing consistent with this decision, including initialization in PALM as the national phase of PCT/FI2007/050070.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

2 4 APR 2009

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY R338
P.O. BOX 8097
EMERYVILLE, CA 94662-8097

In re Application of NI et al	:	
U.S. Application No.: 12/279,148	:	
PCT Application No.: PCT/US2007/062157	:	
Int. Filing Date: 14 February 2007	:	DECISION
Priority Date Claimed: 14 February 2006	:	
Attorney Docket No.: 52038-US-PCT	:	
For: PI-3 KINASE INHIBITORS AND	:	
METHODS OF THEIR USE	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 01 April 2009.

BACKGROUND

On 14 February 2007, applicant filed international application PCT/US2007/062157, which claimed priority of an earlier United States application filed 14 February 2006. The thirty-month period for paying the basic national fee in the United States expired on 14 August 2008.

On 12 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 01 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 01 April 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 declarations 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 Jie Liu cannot be found. However, the petition does not adequately demonstrate that a diligent effort was made to locate Liu. The petition includes evidence of one attempt to reach Liu by mail and one attempt to contact Liu by telephone (see affidavit of Shelley Gottlieb). However, there is no evidence of attempts to find Liu by other means such as by electronic mail, by contacting Liu's current/former co-workers/employer, by trying to obtain a forwarding address, or by searching directories. Thus, it would not be reasonable to conclude at the present time that Liu 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.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

05 AUG 2009

NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY R338
P.O. BOX 8097
EMERYVILLE, CA 94662-8097

In re Application of NI et al	:	
U.S. Application No.: 12/279,148	:	
PCT Application No.: PCT/US2007/062157	:	
Int. Filing Date: 14 February 2007	:	DECISION
Priority Date Claimed: 14 February 2006	:	
Attorney Docket No.: 52038-US-PCT	:	
For: PI-3 KINASE INHIBITORS AND	:	
METHODS OF THEIR USE	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 16 June 2009.

BACKGROUND

On 14 February 2007, applicant filed international application PCT/US2007/062157, which claimed priority of an earlier United States application filed 14 February 2006. The thirty-month period for paying the basic national fee in the United States expired on 14 August 2008.

On 12 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 01 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 01 April 2009, applicant filed a petition under 37 CFR 1.47(a).

On 24 April 2009, this Office mailed a decision dismissing the 01 April 2009 petition.

On 16 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 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 renewed petition states that joint inventor Jie Liu cannot be found. The petition adequately demonstrates that a diligent effort was made to locate Liu. Specifically, the petition includes evidence of unsuccessful attempts to reach Liu by postal mail, by telephone, by contacting Liu's former employer, by searching directories, and by trying to obtain a forwarding address (see affidavit of Shelley Gottlieb). Thus, it can be concluded with reasonable certainty that Liu cannot be found.

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 14 February 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 01 April 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.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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05 AUG 2009

Jie Liu
35845 Jacinto Ct.
Fremont, CA 94536

In re Application of NI et al
U.S. Application No.: 12/279,148
PCT Application No.: PCT/US2007/062157
Int. Filing Date: 14 February 2007
Priority Date Claimed: 14 February 2006
For: PI-3 KINASE INHIBITORS AND METHODS OF THEIR USE

Dear Jie Liu:

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

NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY R338
P.O. BOX 8097
EMERYVILLE, CA 94662-8097
Attorney Docket No.: 52038-US-PCT

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.
12/279,160	08/12/2008	Saiko Hosokawa	703450	8695

7590 12/16/2009
LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

EXAMINER
GUSSOW, ANNE

ART UNIT	PAPER NUMBER
1643	

NOTIFICATION DATE	DELIVERY MODE
12/16/2009	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)

0 7 JAN 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 Offices of Daniel L. Dawes
5200 Warner Blvd, Ste. 106
Huntington Beach CA 92649

In re Application of:
ACAR, Cenk, et al.
U.S. Application No.: 12/279,174
PCT No.: PCT/US2006/002772
International Filing Date: 25 January 2006
Priority Date: None claimed
Atty Docket No.: UC1.PAU.83.US
For: ROBUST SIX-DEGREE-OF-FREEDOM MICROMACHINED GYROSCOPE WITH ANTI-PHASE DRIVE SCHEME AND METHOD OF OPERATION OF THE SAME

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 12 August 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2006/002772 became abandoned with respect to the United States at midnight on 25 July 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 small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the U.S. is appropriately granted.

It is noted that, on 24 October 2008, applicants filed an executed declaration document. However, the declaration materials filed appear to be a compilation of multiple documents and therefore are not acceptable as submitted. See MPEP Section 201.03(II)(B): "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." Applicants must provide copies of the complete three-page declaration executed by

each of the inventors (each such declaration containing all required information, including the names of all five inventors of record).

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).

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

23 JUL 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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62763
Tod T. Tumey
P.O. Box 22188
Houston, TX 77227-2188

In re Application of	:	
JAGER *et al*	:	
U.S. Application No.: 12/279,195	:	
PCT No.: PCT/EP2007/002536	:	**DECISION ON**
Int. Filing Date: 15 February 2007	:	**PETITION UNDER**
Priority Date: 17 February 2006	:	**37 CFR 1.137(b)**
Docket No.: 1010-02100	:	
For: VAGINAL DEVICE	:	

Applicant's petition to revive under 37 CFR 1.137(b) filed on 29 May 2009 is hereby **DISMISSED** for the following reason:

The declaration executed by Mr. Gaynor Morgan contains noninitialed changes with regard to his citizenship and is not accepted. 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). A new declaration by Mr. Morgan is required.

The application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper response containing a declaration in compliance with 37 CFR 1.497(a) and (b) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely respond may be considered as an intentional delay.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

1 4 OCT 2009

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Alexandria, VA 22313-1450
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62763
Tod T. Tumey
P.O. Box 22188
Houston, TX 77227-2188

In re Application of	:	
MORGAN, Gaynor	:	
U.S. Application No.: 12/279,195	:	
PCT No.: PCT/GB2007/000517	:	**DECISION ON**
Int. Filing Date: 15 February 2007	:	**PETITION UNDER**
Priority Date: 17 February 2006	:	**37 CFR 1.137(b)**
Docket No.: 1010-02100	:	
For: VAGINAL DEVICE	:	

This decision is in response to the declaration filed on 07 September 2009 which is treated as a renewed petition to revive under 37 CFR 1.137(b)[1].

Applicant's renewed petition to revive under 37 CFR 1.137(b) is **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a) and (b) for Gaynor Morgan was submitted. The $65.00 surcharge fee was previously submitted. This is an appropriate response to the Form PCT/DO/EO/905 mailed 16 October 2008. The petition fee for a small entity and the required statement under 37 CFR 1.137(b)(3) were provided in the petition filed 29 May 2009. A terminal disclaimer is not required.

Accordingly, all requirements of 37 CFR 1.137(b) are now satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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[1] The decision mailed 23 July 2009 contained erroneous information regarding the PCT number and name of applicant on the heading. The U.S. application number and docket numbers were correct.

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.
12/279,210	08/13/2008	Yoshihiro Nakao	47635-0042-00 (427168)	9323

7590 06/02/2010
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER
SAIDHA, TEKCHAND

ART UNIT	PAPER NUMBER
1652	

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.

Tomi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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.
12/279,244	08/13/2008	Hiroshi Kobayashi	329892US26PCT	9604

22850 7590 05/06/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
THOMAS, JAISON P

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
05/06/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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CT

May 5, 2010

In re application of Hiroshi Kobayashi Serial No. 12/279,244 Filed: August 13, 2008 For: METHOD OF MANUFACTURING METAL-GRAPHITE BRUSH MATERIAL FOR MOTOR	: : : : : : :	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 PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed March 11, 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 must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, 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 VIII;

(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, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent 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 indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language;

(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 PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

NOV 06 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

SCHIFF HARDIN, LLP
PATENT DEPARTMENT
233 S. Wacker Drive-Suite 6600
CHICAGO IL 60606-6473

In re Application of	:	
FREI, BERNHARD	:	DECISION ON REQUEST TO
Application No. 12/279,360	:	PARTICIPATE IN PATENT
Filed: October 13, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. P08,0212	:	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 September 08, 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 DPMA;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the DPMA 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 DPMA 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 DPMA 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 DPMA examiner in the DPMA office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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

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.
12/279,376	08/14/2008	Yoshihiro Nakao	47635-0043-00 (427169)	1793

7590 06/02/2010
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER
SAIDHA, TEKCHAND

ART UNIT	PAPER NUMBER
1652	

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.

Tom Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (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.
12/279,389	08/14/2008	Yoshihiro Nakao	47635-0044-00 (427170)	1860

7590 06/02/2010
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER
NGUYEN, QUANG

ART UNIT	PAPER NUMBER
1633	

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.

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FORM PET651D (Rev. 08/07)

1 3 APR 2009

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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of	:	
DERMAN	:	DECISION ON
Application No.: 12/279,439	:	
PCT No.: PCT/SE2007/000138	:	PAPERS
Int. Filing Date: 15 February 2007	:	
Priority Date: 15 February 2006	:	UNDER 37 CFR 1.42
Attorney's Docket No.: EMS0101PUSA	:	
For: DEVICE FOR BREAKING SOLID MATERIAL	:	
AND METHOD OF MANUFACTURING A HOSE	:	
ELEMENT FOR SUCH A DEVICE	:	

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 22 December 2008, which was accompanied by a declaration of the inventor. The indication in this declaration that inventor Karl Gustaf Derman is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 15 February 2007, applicant filed international application PCT/SE2007/000138, which designated the United States and claimed a priority date of 15 February 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 23 August 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 August 2008.

On 14 August 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 20 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 22 December 2008, applicant filed the instant submission which was accompanied by,

inter alia, a declaration of the inventor. (A one-month extension of time fee has been charged to Deposit Account 02-3978.) The indication in the declaration that inventor Karl Gustaf Derman is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 22 December 2008 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 22 December 2008 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
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BARLEY SNYDER, LLC
1000 WESTLAKES DRIVE, SUITE 275
BERWYN PA 19312

MAILED

JUN 04 2010

OFFICE OF PETITIONS

In re Application of :
MARKUS ECKEL ET AL. :
Application No. 12/279,450 : DECISION ON PETITION
Filed: August 14, 2008 :
Attorney Docket No. **21334-1844 (E-AV-0260US)** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 22, 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 March 17, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed December 17, 2009. Accordingly, the date of abandonment of this application is March 18, 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 $810 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

JoAnne Burke
Petitions Examiner
Office of Petitions

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M. Lisa Wilson
TyRx Pharma, Inc.
1 Deer Park Drive
Suite G
Monmouth Junction, NJ 08852

In re Application of:	:	
Arikha Moses et al.	:	DECISION
Application No.: 12/279,539	:	
PCT Application No.: PCT/US06/42944	:	ON PETITION
Int. Filing Date: 03 November 2006	:	
Priority Date: 03 November 2005	:	UNDER
Atty Docket No.: Tyr200US2	:	
For: RESORBABLE PHENOLIC POLYMERS	:	37 CFR 1.137(b)

Applicants' "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 14 August 2008 is **GRANTED**.

BACKGROUND

On 03 November 2006, applicants filed international application PCT/US06/42944. The international application claims a priority date of 03 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 03 May 2008. Applicants missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 03 May 2008.

On 14 August 2008, applicants filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, an authorization to charge a deposit account for the requisite national stage fee as required by 35 U.S.C. 371(c)(1), a second copy of the published International Application, a preliminary amendment, and the petition fee as required by 37 CFR 1.17(m).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicants first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

The submission of the basic national fee satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). 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 03 November 2006 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

0 1 MAY 2009

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STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK NY 10038

In re Application of	:	
Shin et al.	:	
Application No.: 12/279,636	:	
PCT No.: PCT/KR2006/004727	:	
Int. Filing Date: 13 November 2006	:	DECISION
Priority Date: 15 February 2006	:	
Attorney Docket No.: 001333/0022	:	
For: Heater Having Multi Hot-Zones, Furnace Having The Heater For Drawing Down Optical Fiber Preform Into Optical Fiber, And Method For...	:	

This is in response to the petition under 37 CFR 1.182 filed on 18 September 2008.

BACKGROUND

International application PCT/KR2006/004727 was filed on 13 November 2006, claimed an earlier priority date of 15 February 2006, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 23 August 2007. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 15 August 2008. On 15 August 2008, applicants paid a basic national fee in 12/279,636.

DISCUSSION

Petitioner states (in part) that

> Applicants respectfully request correction of the electronic record of the present application which incorrectly lists International Application No. PCT/US06/04727 as the priority PCT application number. As can be seen from the unexecuted declaration, the Transmittal Letter (PTO-1390), and the Preliminary Amendment, each of which was submitted with the application on August 15, 2008, the correct priority PCT application should be PCT/KR06/04727.

Review of the application file reveals that the Transmittal Letter, un-executed declaration, IDS, preliminary amendment and remarks filed on 15 August 2008 all refer to international application PCT/KR2006/004727. However, the Electronic Acknowledgment Receipt dated 15 August 2008 is directed toward international application "PCT/US06/04727." In view of this discrepancy, it is not sufficiently clear which international application was intended to enter the national stage.

Correction of this matter requires a petition (and fee) under 37 CFR 1.182. Petitioner states that "the Commissioner is requested to treat this paper as a Petition Under 37 C.F.R. § 1.182 to correct the priority information, and to charge any necessary fees to Deposit Account

No. 19-4709." Accordingly, the petition is being treated under 37 CFR 1.182, and the $400.00 petition fee is being charged to the Deposit Account as authorized by petitioner.
Based on the totality of the evidence of record, including petitioner's statements and a comparison of the bibliographic data of the instant national stage as compared with the published international application, it would be appropriate to regard this application as the national stage under 35 U.S.C. 371 of PCT/KR2006/004727.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**, to the extent described above.

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/KR2006/004727. This processing will include the correction of the electronic records of the USPTO to reflect the correct international application. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **18 September 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

1 9 AUG 2009

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IP GROUP OF DLA PIPER LLP (US)
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1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

In re Application of: BRAUN, Gerhard, et al.	:	
U.S. Application No.: 12/279,644	:	DECISION
PCT No.: PCT/EP2007/001382	:	
International Filing Date: 17 February 2007	:	
Priority Date: 17 February 2006	:	
Attorney's Docket No.: RUF-08-1273	:	
For: PURIFICATION METHOD FOR EFFLUENT	:	

This decision is issued in response to the "Response" filed by applicants on 11 June 2009, treated herein as a petition for acceptance of the declaration previously filed on 18 December 2008. No petition fee is required.

BACKGROUND

On 17 February 2007, applicants filed international application PCT/EP2007/001382. The application claimed a priority date of 17 February 2006, and it designated the United States. On 23 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., 17 August 2008. The published international application listed five applicant/inventors for the U.S.

On 15 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 an English translation of the international application as filed.

On 30 September 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 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 18 December 2008, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the required surcharge and a declaration executed by two of the original inventors of record.

On 26 May 2009, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed 18 December 2008 was defective because it was not signed by three of the inventors listed on the published international application.

On 11 June 2009, applicants filed the "Response" considered herein. The submission asserts that the previously filed declaration should be accepted because the three former inventors of record who are not listed on the declaration were all removed from the application during the international phase.

DISCUSSION

Section 1893.01(e) of the MPEP states the following: "The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*." A review of the current bibliographic information and application documents available online at the WIPO website confirms that three of the original applicant/inventors herein (specifically, Wolfgang TRILLER, Martin BERGMANN, and Jens ILIAN) were removed from the application during the international phase pursuant to PCT Rule 92bis. Gerhard BRAUN and Kay Gunther GABRIEL are therefore the sole inventors of record in the present application.

The declaration filed 18 December 2008 was executed by Gerhard BRAUN and Kay Gunther GABRIEL, the two inventors of record, and it included all required information. This declaration is therefore properly accepted under 37 CFR 1.497.

The Notification Of Defective Response mailed 11 June 2009, based as it was on applicants' purported failure to file an acceptable declaration in response to the Notification Of Missing Requirements, is appropriately vacated.

CONCLUSION

Applicants' petition under 37 CFR 1.181 for acceptance under 37 CFR 1.497 of the declaration filed 18 December 2008 is **GRANTED**.

The "Notification Of Defective Response" (Form PCT/DO/EO/916) mailed 26 May 2009 is hereby **VACATED.**

The present 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 18 December 2008.

Richard M. Ross
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ATLANTA GA 30346

In re Application of	:	
Hadad	:	
Application No.: 12/279,646	:	
PCT No.: PCT/IL2005/000684	:	
Int. Filing Date: 28 June 2005	:	DECISION
Priority Date: 28 June 2004	:	
Attorney Docket No.: 18023.1170	:	
For: OFDMA Preambles System And Method	:	

The petition to revive under 37 CFR 1.137(b) filed on 15 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 15 August 2008 reveals that it is suitable for purposes of compliance with 37 CFR 1.497(a) and (b). However, the surcharge under 37 CFR 1.492(h) is required and has not been paid (no deposit account authorization appears to be present in the instant application papers).

This application is being forwarded to the Office of Patent Application Processing for further processing, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring payment of the surcharge under 37 CFR 1.492(h).

/George Dombroske/
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0 7 OCT 2008

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06449
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K Street, Suite 800
Washington, DC 20005

In re Application of
ONO, Taduko
U.S. Application No.: 12/279,675
PCT No.: PCT/JP2005/020643
Int. Filing Date: 10 November 2005
Priority Date: 18 October 2005
Docket No.: 3650-0102
For: LUMINOUS CLOTHING ACCESSORY AND LUMINOUS CLOTHING FIBER AND LUMINOUS ACCESSORIZED CLOTHES USING THEM

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 15 August 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

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CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of	:	
NIELSEN, Ole Cramer	:	
U.S. Application No. 12/279,711	:	
PCT No.: PCT/DK07/00023	:	
Int. Filing Date: 18 January 2007	:	
Priority Date: 20 January 2006	:	DECISION ON PETITION
Attorney Docket No.: 17132-040US	:	
For: AN APPARATUS AND A METHOD AND A SYSTEM FOR DISPENSING GOODS	:	

The petition to revive under 37 CFR 1.137(b) filed 15 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
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Facsimile: 571-273-0459

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2 7 APR 2009

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YOUNG & THOMPSON
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ALEXANDRIA VA 22314

In re Application of	:	
KATRITZKY, et al.	:	
PCT No.: PCT/EP07/52068	:	DECISION ON PETITION
Application No.: 12/279,727	:	
Int. Filing Date: 06 March 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: 06 March 2006	:	
Atty. Docket No.: 0546-1132	:	
For: MODULAR DEVICE FOR AUTOMATICALLY DISPENSING AND EJECTING PRODUCTS STORED IN PARALLEL LONGITUDINAL ROWS	:	

This decision is in response to applicant's "Petition Under 37 CFR 1.47 (a)" filed 21 April 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 06 March 2007, applicant filed international application PCT/EP07/52068 which claimed priority to 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 18 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); an Information Disclosure Statement; a preliminary amendment; an Application Data Sheet and an English translation of the international application as filed.

On 21 April 2009, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signatures of inventors David Painter, Jeremy Fontenay and Jean-Louis Connier.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing

inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items.

Applicant has provided payment of the $200.00 petition. As to the non-signing inventors, applicant has provided evidence showing that inventors Fontenay and Connier were mailed a complete set of application papers, signed for said papers and to date have not returned an executed declaration. With regard to inventor Painter, applicant has filed evidence that the inventor could not be located. Applicant has support this claim with numerous results from internet searches attempting to located a current address. Applicant has supplied the last known address of the non-signing inventors as well as declarations executed by the four remaining inventors on their own behalf and on behalf of inventors David Painter, Jeremy Fontenay and Jean-Louis Connier.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 06 March 2007 under 35 U.S.C. 363, and will be given a date of **21 April 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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2 7 APR 2009

Mr. Jeremy Fontenay
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FRANCE

In re Application of
KATRITZKY, et al.
PCT No.: PCT/EP07/52068
Application No.: 12/279,727
Int. Filing Date: 06 March 2007
Priority Date: 06 March 2006
Atty. Docket No.: 0546-1132
For: MODULAR DEVICE FOR AUTOMATICALLY DISPENSING AND EJECTING PRODUCTS STORED IN PARALLEL LONGITUDINAL ROWS

Dear Mr. Fontenay:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
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2 7 APR 2009

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Mr. David Painter
53 Dell Road - Lowestoft
Norfolk NR33 9NS
UNITED KINGDOM

In re Application of
KATRITZKY, et al.
PCT No.: PCT/EP07/52068
Application No.: 12/279,727
Int. Filing Date: 06 March 2007
Priority Date: 06 March 2006
Atty. Docket No.: 0546-1132
For: MODULAR DEVICE FOR AUTOMATICALLY DISPENSING AND EJECTING PRODUCTS STORED IN PARALLEL LONGITUDINAL ROWS

Dear Mr. Painter:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) 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.

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2 7 APR 2009

Mr. Jean-Louis Connier
58 rue Carnot
72200 La Fleche
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In re Application of
KATRITZKY, et al.
PCT No.: PCT/EP07/52068
Application No.: 12/279,727
Int. Filing Date: 06 March 2007
Priority Date: 06 March 2006
Atty. Docket No.: 0546-1132
For: MODULAR DEVICE FOR AUTOMATICALLY DISPENSING AND EJECTING PRODUCTS STORED IN PARALLEL LONGITUDINAL ROWS

Dear Mr. Connier:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
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ALEXANDRIA, VA 22314

In re Application of KATRITZKY, Rupert, et al. Application No.: 12/279,730 PCT No.: PCT/EP2007/052069 Int. Filing Date: 06 March 2007 Priority Date: 06 March 2006 Docket No.: 0546-1133 For: DEVICE FOR AUTOMATICALLY DISPENSING AND EJECTING PRODUCTS STORED IN PARALLEL LONGITUDINAL ROWS	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 01 April 2009.

BACKGROUND

On 08 October 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 01 April 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.

Items (1) and (4) have been met. The $200 petition fee will be charged to deposit account no. 08-1540, as authorized. The declaration complies with 37 CFR 1.47.

Item (3) has been satisfied as to inventors Connier and Fontenay. Applicant states the last known address of Mr. Jean-Louis Connier as 58 rue Carnot, 72200 La Fleche, France and of Mr. Jeremy Fontenay as 16 Rue principale, 49150 Vaulandry, France. The petition does not state a last known address for Mr. Painter.

Item (2) has not been satisfied. It is unclear to whom the packages were delivered or the proof of receipt for Mr. Connier and Mr. Fontenay. Even assuming the packages were properly delivered, it does not appear that applicant conducted any type of follow-up, by calling or further communication. A single communication does not constitute a diligent effort to obtain an executed oath or declaration. A more thorough effort to locate an address or good contact information for Mr. Painter is also required.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

3 1 AUG 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

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA, VA 22314

In re Application of	:	
KATRITZKY, Rupert, et al.	:	
Application No.: 12/279,730	:	
PCT No.: PCT/EP2007/052069	:	DECISION
Int. Filing Date: 06 March 2007	:	
Priority Date: 06 March 2006	:	ON PETITION UNDER
Docket No.: 0546-1133	:	
For: DEVICE FOR AUTOMATICALLY DISPENSING AND EJECTING PRODUCTS STORED IN PARALLEL LONGITUDINAL ROWS	:	37 CFR 1.47(a)

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 01 July 2009.

BACKGROUND

On 01 June 2009, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 01 July 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.

Items (1) and (4) have been met. The $200 petition fee will be charged to deposit account no. 08-1540, as authorized. The declaration complies with 37 CFR 1.47.

Item (3) has been satisfied. Applicant states the last known address of Mr. Jean-Louis Connier as 58 rue Carnot, 72200 La Fleche, France, of Mr. Jeremy Fontenay as 16 Rue principale, 49150 Vaulandry, France and of Mr. David Painter as 53 Dell Road; Lowestoft, Norfolk NR33 9NS; United Kingdom.

Item (2) has now been satisfied.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **01 April 2009**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jean-Louis Connier
58 rue Carnot
72200 La Fleche
France

In re Application of
KATRITZKY, Rupert, et al.
Application No.: 12/279,730
PCT No.: PCT/EP2007/052069
Int. Filing Date: 06 March 2007
Priority Date: 06 March 2006
Docket No.: 0546-1133
For: DEVICE FOR AUTOMATICALLY DISPENSING AND EJECTING PRODUCTS STORED IN PARALLEL LONGITUDINAL ROWS

Dear Mr. Connier:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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209 Madison Street
Suite 500
ALEXANDRIA, VA 22314

3 1 AUG 2009

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jeremy Fontenay
16 Rue principale
49150 Vaulandry
France

In re Application of
KATRITZKY, Rupert, et al.
Application No.: 12/279,730
PCT No.: PCT/EP2007/052069
Int. Filing Date: 06 March 2007
Priority Date: 06 March 2006
Docket No.: 0546-1133
For: DEVICE FOR AUTOMATICALLY DISPENSING AND EJECTING PRODUCTS STORED IN PARALLEL LONGITUDINAL ROWS

Dear Mr. Fontenay:

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
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209 Madison Street
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ALEXANDRIA, VA 22314

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

David Painter
53 Dell Road
Lowestoft, Norfolk NR33 9NS
United Kingdom

In re Application of
KATRITZKY, Rupert, et al.
Application No.: 12/279,730
PCT No.: PCT/EP2007/052069
Int. Filing Date: 06 March 2007
Priority Date: 06 March 2006
Docket No.: 0546-1133
For: DEVICE FOR AUTOMATICALLY DISPENSING AND EJECTING PRODUCTS STORED IN PARALLEL LONGITUDINAL ROWS

Dear Mr. Painter:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA, VA 22314

United States Patent and Trademark Office

0 5 JAN 2009

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Alexandria, VA 22313-1450
www.uspto.gov

Fleit Gibbons Gutman Bongini & Bianco PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI FL 33180

In re Application of	:	
Rapoport	:	
Application No. 12/279,736	:	
PCT No.: PCT/IL2007/000201	:	
Int. Filing Date: 13 February 2007	:	DECISION
Priority Date: 14 February 2006	:	
Att. Docket No.: 7057-X08-043	:	
For: MRD-Based Reactors	:	

The petition to revive under 37 CFR 1.137(b) filed on 18 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.

Counsel's Deposit Account 50-0601 is being charged in the amount of $65.00 (fee code 2617) for the surcharge under 37 CFR 1.492(h), as authorized in the Transmittal Letter filed on 18 August 2008.

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 **18 August 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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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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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW, SUITE 300
WASHINGTON DC 20001-5303

In re Application of	:	
Niitsuma et al.	:	
Application No.: 12/279,766	:	
PCT No.: PCT/JP2005/013468	:	
Int. Filing Date: 22 July 2005	:	DECISION
Priority Date: N/A	:	
Attorney Docket No.: NIITSUMA4	:	
For: Coupling Mechanism For Headrest Of Vehicle Seat	:	

The petition to revive under 37 CFR 1.137(b) filed on 18 August 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the papers necessary to perfect the completion of entry into the U.S. national phase of this case from the due date for entry into the U.S. national phase (July 30, 2008) 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.

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 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

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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CST

July 30, 2009

In re application of	:	DECISION ON REQUEST TO
Makoto Kubota et al	:	PARTICIPATE IN PATENT
Serial No. 12/279,782	:	PROSECUTION HIGHWAY
Filed: August 18, 2008	:	PROGRAM AND
For: FUEL CARTRIDGE AND FUEL CELL	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed June 16, 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).

This national stage application under 35 USC 371 claims priority under 35 USC 119 to the granted JPO application.

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.
12/279,803	10/20/2008	Christopher Mark Mann	ARC-2491-94	4803

7590 12/31/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
BAKER, DAVID S

ART UNIT	PAPER NUMBER
2884	

MAIL DATE	DELIVERY MODE
12/31/2009	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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21 AUG 2008

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

In re Application of	:	
WIGREN, et al.	:	
Application No.: 12/279,807	:	
PCT No.: PCT/SE06/00210	:	DECISION ON PETITION
Int. Filing Date: 15 February 2006	:	
Priority Date: 15 February 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: P21286-US1	:	
For: ACCURACY ASSESSMENT IN ASSISTED GPS POSITIONING	:	

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.

In addition, all of the 35 U.S.C. 371 requirements have been met. The application has an international filing date of 15 February 2006 under 35 U.S.C. 363 and will be given a date of **18 August 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
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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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MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C
Attn: Patent Intake Customer No. 64046
One Financial Center
Boston, MA 02111

In re Application of:	:	DECISION ON PETITION
MOHEBBI, Behzad	:	
U.S. Application No.: 12/279,814	:	
PCT No.: PCT/US2007/061567	:	
International Filing Date: 02 February 2007	:	
Priority Date: 03 February 2006	:	
Atty Docket No.: 35928-505N01US	:	
For: SHORT RANGE BOOSTER	:	

The petition for revival under 37 CFR 1.137(b) filed 18 August 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2007/061567 became abandoned with respect to the United States at midnight on 03 August 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 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 applicant has not filed an executed oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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Darby & Darby P.C.
P.O. Box 770
Church Street Station
New York NY 10008-0770

In re Application of	:	
FISCHER, et al.	:	
U.S. Application No.: 12/279,827	:	DECISION ON PETITION
PCT No.: PCT/EP06/03738	:	
Int. Filing Date: 24 April 2006	:	UNDER 37 CFR 1.137(b)
Priority Date: 26 April 2005	:	
Attorney Docket No.: 20807/0210331-USO	:	
For: ROTATABLY DRIVEN MOPPING DEVICE	:	

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 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).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

2 2 SEP 2008

Kevin J. McNeely, Esq.
5335 Wisconsin Avenue, NW
Suite 440
Washington DC 20015

In re Application of	:	
DOR et al.	:	
U.S. Application No. 12/279,841	:	
PCT No.: PCT/AU07/00126	:	
Int. Filing Date: 08 February 2007	:	
Priority Date: 15 February 2006	:	DECISION ON PETITION
Attorney Docket No.: 8009.0001	:	
For: INSTANT REVERSE-FLUSH AQUARIUM AND FISH-POND FILTER	:	

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 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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National Starch and Chemical Company
P.O. Box 6500
Bridgewater, NJ 08807-3300

In re Application of	:	
HWAIL, Jin.	:	
Application No.: 12/279,932	:	DECISION ON PETITION
PCT No.: PCT/US05/46390	:	
Int. Filing Date: 15 December 2005	:	
Priority Date: None	:	
Attorney Docket No.: 3181.EM	:	
For: MULTI-LAYER ADHESIVE FILM DIE STACKING		

The petition to revive under 37 CFR 1.137(b) filed 19 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
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Tel: (571) 272-3298
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2 7 AUG 2008

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Patrick A. Hilsmier
Global IP Counselors, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036-2680

In re Application of	:	
Miki et al	:	DECISION ON REQUEST TO
Application No. 12/279,941	:	PARTICIPATE IN NEW ROUTE
Filed: August 19, 2008	:	PILOT PROJECT
Int'l filing date: November 21, 2006	:	AND
Attorney Docket No.: DK-US061569	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the New Route pilot project and the petition under 37 CFR 1.102(d), filed August 19, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the New Route pilot project and petition to make special require:

(1) The U.S. application to be a national stage entry of a PCT application filed with the JPO as the PCT receiving Office;
(2) The PCT application must either contain a priority claim to a single priority application filed in the JPO or contain no priority claim;
(3) Where the PCT application contains a priority claim to a single priority application filed in the JPO, a first action on the merits (search and examination results) for the priority application must be available no later than 26 months from the priority date;
(4) Applicant must separately submit the following items at the same time as entry into the national stage of the PCT application in the USPTO:

(a) A request to participate in the New Route pilot project and a petition to make the U.S. national stage application special along with the required petition fee;
(b) Applicant must submit a copy of the claim(s) searched and examined by the JPO along with an English translation thereof;
(c) Applicant must submit a copy of the first office action by the JPO along with an English translation thereof;
(d) A statement that the translations are accurate; and
(e) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action (if appropriate) together with copies of all the documents except U.S. patents or U.S. patent application publications.

The request to participate in the New Route pilot project 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 Magdalen Greenlief at 571-272-8140.

All other inquiries concerning the examination or status of the application should be directed to Technology Center 2100.

Once national stage processing of the above-identified application is complete, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Magdalen Greenlief
Senior Legal Advisor
Office of the Deputy Commissioner for
Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 15 2009

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Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

In re Application of Scott Seville Application No. 12/279,965 Filed: August 19, 2008 Attorney Docket No. GRVSP007US	:	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 March 23, 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 UKIPO;
(2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(3) Examination of the U.S. application has not begun;
(4) Applicant must submit a copy of all the office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request.
(5) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(6) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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49840
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
Six Concourse Parkway
Suite 3100
Atlanta, GA 30328

In re Application of	:	
O'SHEA, Mark	:	
U.S. Application No.: 12/279,975	:	
PCT No.: PCT/IE2006/000053	:	**DECISION ON**
Int. Filing Date: 09 May 2006	:	**PETITION FOR REVIVAL**
Priority Date: 10 May 2005	:	**UNDER 37 CFR 1.137(b)**
Attorney Docket No.: 2909244-000002	:	
For: A FRAME FOR A BOARD	:	

Applicant's petition to revive under 37 CFR 1.137(b) filed on 19 August 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee 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

2 2 AUG 2008

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NATIONAL STARCH AND CHEMICAL CO.
P.O. BOX 6500
BRIDGEWATER NJ 08807-3300

In re Application of:
PETERSEN, Michael, et al.
U.S. Application No.: 12/280,004
PCT No.: PCT/CA2006/000939
International Filing Date: 08 June 2006
Priority Date: 09 June 2005
Atty Docket No.: 481-31 (3202.EM)
For: AQUEOUS PRINTABLE ELECTRICAL CONDUCTORS (XINK)

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 20 August 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/CA2006/000939 became abandoned with respect to the United States at midnight on 09 December 2007 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 applicant has not filed an executed oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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1 5 OCT 2008

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NIXON PEABODY LLP - PATENT GROUP
1100 CLINTON SQUARE
ROCHESTER NY 14604

In re Application of	:	
COLON et al.	:	
Application No.: 12/280,069	:	DECISION
PCT No.: PCT/US2005/007687	:	
Int. Filing Date: 09 March 2005	:	
Priority Date: 09 March 2004	:	
Attorney Docket No.: 19226/2382 (R-5908)	:	
For: GROUP IV METAL OXIDE	:	
MONOLITHIC COLUMNS	:	

This decision is in response to applicants' submission filed 20 August 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 March 2005, applicant filed international application PCT/US2005/007687 which designated the U.S. and claimed a priority date of 09 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 06 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 September 2006 (09 September 2006 being a Saturday).

On 20 August 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 20 August 2008.

As to item (2), applicant submitted the petition fee on 20 August 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/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 7 OCT 2009

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ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN VA 22102-8064

In re Application of	:	
Thoemmes	:	
Application No.: 12/280,106	:	
PCT No.: PCT/EP2007/001411	:	
Int. Filing Date: 19 February 2007	:	DECISION
Priority Date: 20 February 2006	:	
Attorney Docket No.: 744010-2	:	
For: Inhaler	:	

This is in response to the correspondence filed on 25 June 2009 and 29 June 2009, which is being treated under 37 CFR 1.497(d).

BACKGROUND

This international application was filed on 19 February 2007, claimed an earlier priority date of 20 February 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 30 August 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 20 August 2008. Applicant filed *inter alia* the basic national fee on 20 August 2008.

On 10 November 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of fees, an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 12 January 2009, applicants filed a response, including a declaration.

On 28 May 2009, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed, indicating that the declaration was defective because "Inventors are added to the application. I don't have an IB Form 306 confirming the additional inventors."

DISCUSSION

Counsel requests that Elmar Mock and Timo Von Brunn be added as inventors under 37 CFR 1.497(d). A declaration filed under 37 CFR 1.497(d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)). *See* Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.).

Regarding requirement (1), applicants have provided appropriate statements by Elmar Mock and Timo Von Brunn.

Regarding requirement (2), the required processing fee has been paid.

Regarding requirement (3), applicants have presented a "Statement of Assignee Under 37 CFR 1.497(d)(3)" signed by two individuals in the capacity of "authorized representative of Boehringer Ingelheim International GmbH" which characterizes Boehringer as "an assignee,"refers to reel and frame numbers where an assignment is recorded, and expresses consent to the change in inventorship. Applicants have also presented a consent form signed on behalf of Vectura Delivery Devices Limited in the capacity of "authorized representative," which identifies Vectura as "co-assignee," refers to relevant reel and frame numbers, and expresses consent to the change in inventorship. However, it is not clear whether these assignees, taken together, enjoy total ownership of the application. 37 CFR 3.73(c)(2) states that

> If the submission under this section is by an assignee of less than the entire right, title and interest, such assignee must indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership.

Since the assignees have not indicated their percentage ownership, it would not be appropriate to accept the consent statements at this time.

DECISION

The declaration is **NOT ACCEPTED** under 37 CFR 1.497(d), without prejudice.

If reconsideration on the merits of this matter 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). Failure to timely reply will result in **ABANDONMENT** of this application. No additional processing fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States Patent and Trademark Office

17 FEB 2010

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ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN VA 22102-8064

In re Application of Thoemmes Application No.: 12/280,106 PCT No.: PCT/EP2007/001411 Int. Filing Date: 19 February 2007 Priority Date: 20 February 2006 Attorney Docket No.: 744010-2 For: Inhaler	DECISION

This is in response to the request for reconsideration filed on 23 December 2009, which is being treated under 37 CFR 1.497(d).

DISCUSSION

In a Decision mailed on 27 October 2009, the declaration filed on 12 January 2009 was not accepted under 37 CFR 1.497(d), without prejudice, because

> Regarding requirement (3), applicants have presented a "Statement of Assignee Under 37 CFR 1.497(d)(3)" signed by two individuals in the capacity of "authorized representative of Boehringer Ingelheim International GmbH" which characterizes Boehringer as "an assignee,"refers to reel and frame numbers where an assignment is recorded, and expresses consent to the change in inventorship. Applicants have also presented a consent form signed on behalf of Vectura Delivery Devices Limited in the capacity of "authorized representative," which identifies Vectura as "co-assignee," refers to relevant reel and frame numbers, and expresses consent to the change in inventorship. However, it is not clear whether these assignees, taken together, enjoy total ownership of the application. 37 CFR 3.73(c)(2) states that
>
> *If the submission under this section is by an assignee of less than the entire right, title and interest, such assignee must indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership.*
>
> Since the assignees have not indicated their percentage ownership, it would not be appropriate to accept the consent statements at this time.

In response, counsel has submitted new "Statement of Assignee..." documents, each expressing consent to the addition of Elmar Mock and Timo Von Brunn as inventors. One "Statement of Assignee..." is signed on behalf of Boehringer Ingelheim International GmbH by Dr. Heinz Hammann and Dr. Michael Kompter in the capacity of "Authorized Signatories," states that Boehringer is assignee of 50% of the application, and identifies reel and frame numbers where an assignment has been recorded in the USPTO. The other "Statement of Assignee..." is signed on

behalf of Vectura Delivery Devices Limited by Colin Clive Dalton in the capacity of "Authorized Representative Director of IP and Corporate Affairs," states that Vectura is assignee of 50% of the application, and identifies reel and frame numbers where an assignment has been recorded in the USPTO. Taken together, these statements satisfy the requirements of 37 CFR 1.497(d)(3).

DECISION

The declaration is **ACCEPTED** under 37 CFR 1.497(d).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **12 January 2009** (the date the accepted declaration was filed).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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FACTOR & LAKE, LTD
1327 W. WASHINGTON BLVD.
SUITE 5G/H
CHICAGO IL 60607

In re Application of	:	
OZAWA, FUJIKO	:	DECISION ON REQUEST TO
Application No. 12/280,125	:	PARTICIPATE IN PATENT
Filed: 04/02/2009	:	PROSECUTION HIGHWAY
Attorney Docket No. SCI-081140	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 06, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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2 2 AUG 2008

JohnsonDiversey, Inc.
8310 16th Street, M/S 509
P.O. Box 902
Sturtevant WI 53177-0902

In re Application of	:	
SKOU, Fleming	:	
U.S. Application No. 12/280,142	:	
PCT No.: PCT/US06/19697	:	
Int. Filing Date: 22 May 2006	:	
Priority Date: 25 May 2005	:	DECISION ON PETITION
Attorney Docket No.: JD-587-US	:	
For: MEMBRANE FILTRATION OF A PRODUCT	:	

The petition to revive under 37 CFR 1.137(b) filed 20 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
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Tel.: 571-272-3298
Facsimile: 571-273-0459

24 MAR 2009

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
TAKAHASHI et al.	:	
Application No.: 12/280,169	:	DECISION
PCT No.: PCT/JP2006/308613	:	
Int. Filing Date: 25 April 2006	:	
Priority Date: 24 February 2006	:	
Attorney Docket No.: 330766US2X PCT	:	
For: METHOD AND APPARATUS FOR	:	
PROCESSING SILICON PARTICLES	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 15 January 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 25 April 2006, applicants filed international application PCT/JP2006/308613, which designated the United States and claimed a priority date of 24 February 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 30 August 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 August 2008 (24 August 2008 being a Sunday).

On 21 August 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 15 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 15 January 2009, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time, a declaration of inventors, a statement of facts by Fumio Kanezawa, and copies of registered mail receipts and delivery reports for correspondence sent by Mr. Kanezawa to non-signing inventor Takeshi Sasaki.

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. Translations of the registered mail receipts and delivery reports for the correspondence sent to Mr. Sasaki 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
PCT Legal Affairs
Office of Patent Cooperation Treaty
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14 JUL 2009

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In re Application of	:	
TAKAHASHI et al.	:	
Application No.: 12/280,169	:	DECISION
PCT No.: PCT/JP2006/308613	:	
Int. Filing Date: 25 April 2006	:	
Priority Date: 24 February 2006	:	
Attorney Docket No.: 330766US2X PCT	:	
For: METHOD AND APPARATUS FOR	:	
PROCESSING SILICON PARTICLES	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 18 May 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 25 April 2006, applicants filed international application PCT/JP2006/308613, which designated the United States and claimed a priority date of 24 February 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 30 August 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 August 2008 (24 August 2008 being a Sunday).

On 21 August 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 15 October 2008, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 15 January 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time, a declaration of inventors, a statement of facts by Fumio Kanezawa, and copies of registered mail receipts and delivery reports for correspondence sent by Mr. Kanezawa to non-signing inventor Takeshi Sasaki.

On 24 March 2009, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that translations of the registered mail receipts and delivery reports for the correspondence sent to non-signing inventor Mr. Sasaki had not been provided.

On 18 May 2009, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by translations of the registered mail receipts and delivery reports for the correspondence sent to non-signing inventor Mr. Sasaki.

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 issued 24 March 2009, items (1), (3), and (4) have been satisfied. Item (2) has now been met as well. It has been established that Mr. Sasaki was presented with a copy of the application papers. Mr. Sasaki's conduct constitutes a refusal to sign.

Conclusion Section of Decision Issued 24 March 2009

As noted by applicants, the sentence about specifying whose signature was below Fergus Francis Murray's name was inadvertently included in the decision.

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 **15 January 2009**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

14 JUL 2009

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Mr. Takeshi Sasaki
3-4-13, Abukuma 2-chome
Iwanuma-shi,
Miyagi 989-2435
Japan

In re Application of
TAKAHASHI et al.
Application No.: 12/280,169
PCT No.: PCT/JP2006/308613
Int. Filing Date: 25 April 2006
Priority Date: 24 February 2006
Attorney Docket No.: 330766US2X PCT
For: METHOD AND APPARATUS FOR PROCESSING SILICON PARTICLES

Dear Mr. Sasaki:

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/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
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ALEXANDRIA VA 22314

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of PANG, HEE SUK, et al. Application No. 12/280,309 Filed: August 27, 2008 Attorney Docket No.: **24622-0129US1**	: : : : : : :	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 26, 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 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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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of PANG, HEE SUK, et al. Application No. 12/280,313 Filed: August 21, 2008 Attorney Docket No.: **19819-0253US1**	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 27, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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.

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 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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PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of PANG, HEE SUK, et al. Application No. 12/280,314 Filed: August 21, 2008 Attorney Docket No.: **24622-0131US1**	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 27, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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.

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 inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth A. Wieder

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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Baker Botts, LLP
910 Louisiana Street
Houston TX 77002-4995

In re Application of: PRIEBE et al.	:	
U.S. Application No. 12/280,322	:	
PCT No.: PCT/US2007/062789	:	
Int. Filing Date: 26 February 2007	:	DECISION
Priority Date: 24 February 2006	:	
Attorney Docket No.: 019856.0266 (MDA06-050)	:	
For: HEXOSE COMPOUNDS TO TREAT CANCER	:	

This decision is in response to applicants' "Amendment and Petition for Correction of Inventorship in a Patent Application under 37 CFR 1.48(b)" filed 18 February 2009.

BACKGROUND

On 26 February 2007, applicants filed international application PCT/US2007/062789 which claimed a priority date of 24 February 2006. The international application named: Waldemar PRIEBE, Slawomir SZYMANSKI, Izabela FOKT, Charles CONRAD, Sigmund HSU, and Theodore, J. LAMPIDIS as applicant/inventors. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 August 2008.

On 21 August 2008, applicants filed a Transmittal Letter (Form PTO-1390) for entry into the national stage accompanied by, inter alia, the requisite basic national fee and a copy of the international application.

On 18 February 2009 applicants filed a preliminary amendment and a petition under 37 CFR 1.48(b) to delete Theodore J. LAMPIDIS as a named co-inventor.

On 04 March 2009, applicants filed a declaration and power of attorney executed by Waldemar PRIEBE, Slawomir SZYMANSKI, Izabela FOKT, Charles CONRAD and Sigmund HSU.

DISCUSSION

The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes

any change effected under PCT Rule 92bis. The present national stage application must first be executed by all the named inventors. (See 37 CFR 1.41(a)(4).)

The petition to correct inventorship seeks to delete Theodore J. LAMPIDIS as inventor. The petition asserts that this correction is appropriate because the invention to which Theodore J. LAMPIDIS contributed is no longer being claimed in this national stage application. The petition was filed under 37 CFR 1.48(b).

However, a petition to correct inventorship under 37 CFR 1.48(b) is applicable, by its terms, only to non-provisional applications. A U.S. national stage application becomes a non-provisional application only after the requirements under 35 U.S.C. 371, including 35 U.S.C. 371(c)(4), have been complied with (see 37 CFR 1.9). Accordingly, an oath or declaration identifying and executed by the inventors (Waldemar PRIEBE, Slawomir SZYMANSKI, Izabela FOKT, Charles CONRAD, Sigmund HSU, and Theodore, J. LAMPIDIS) in compliance with 37 CFR 1.497 is required before the petition under 37 CFR 1.48(b) could be filed.

Accordingly, the requirements under 35 U.S.C. 371(c)(4) must be met, namely, that a declaration of the inventors complying with the regulations must be filed. As set forth in 37 CFR 1.497, the declaration must be executed by all the inventors.

CONCLUSION

For the reasons above, applicants' request under 37 CFR 1.48(b) will be held in abeyance pending the submission of a fully executed oath or declaration in compliance with 37 CFR 1.497.

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 oath or declaration along with the surcharge for filing the oath or declaration after the thirty-month period is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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MINNEAPOLIS MN 55440-1022

In re Application of PANG, HEE SUK, et al. Application No. 12/280,323 Filed: August 21, 2008 Attorney Docket No.: **19819-0251-US1**	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 27, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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.

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 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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Christie, Parker & Hale, LLP
P.O. Box 7068
Pasadena, CA 91109-7068

In re Application of	:	
O'HARA	:	DECISION ON PETITION
Application No.: 12/280,347	:	
PCT No.: PCT/US07/02888	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 02 February 2007	:	
Priority Date: 03 February 2006	:	
Atty. Docket No.: 56846(01)/P607	:	
For: WETSUIT	:	

The petition to revive under 37 CFR 1.137(b) filed 21 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 C.F.R. § 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 returned to the United States Designated/Elected Office (DO/EO/US) for the preparation and mailing of a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventor and payment of the appropriate surcharge is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
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27 AUG 2008

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KAMRATH & ASSOCIATES P.A.
4825 OLSON MEMORIAL HIGHWAY
SUITE 245
GOLDEN VALLEY MN 55422

In re Application of: CHERUBIN, Frank	:	
U.S. Application No.: 12/280,384	:	DECISION ON PETITION
PCT No.: PCT/EP2006/012491	:	
International Filing Date: 22 December 2006	:	
Priority Date: 22 December 2005	:	
Atty Docket No.: 5090 PCTUS	:	
For: ACTUATING ARMATURE	:	

The petition for revival under 37 CFR 1.137(b) filed 22 August 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 22 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' 22 August 2008 submission included an executed declaration and a translation of the international application into English. Deposit Account No. 50-0620 will be charged the $130 surcharge and the $130 processing fee required for filing these materials 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 22 August 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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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.
12/280,385	08/22/2008	Michael Webb	920670-107973	1264

23644 7590 11/18/2008
BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO, IL 60690-2786

EXAMINER

ART UNIT	PAPER NUMBER
3651	

NOTIFICATION DATE	DELIVERY MODE
11/18/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent-ch@btlaw.com

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Barnes & Thornburg LLP
P.O. Box 2786
Chicago, IL 60690-2786

In re application of Michael Webb Application No. 12/280,385 Filed: August 22, 2008 For: CONVEYORS	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 5, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:
(1) - (2) This application does not currently claim priority under 35 USC 119(a) to the UKIPO application 0703382.2 that contains the allowable claims. Foreign priority is to UKIPO application 0603461.5. Where the UKIPO application that contains the patentable claims is not the same application for which priority is claimed in the US application, applicant must identify the relationship between the UKIPO application that contains the patentable claims and the UKIPO priority application claimed in the US.
(3) Claims of the U.S. Application that sufficiently correspond to the allowable claims of the UKIPO application. Specifically, the dependency of claim 7 results in a claim that does not correspond to any of the United Kingdom patent claims.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 11/17/08

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DEC 23 2008

Barnes & Thornburg LLP
P.O. Box 2786
Chicago, IL 60690-2786

In re application of Michael Webb Application No. 12/280,385 Filed: August 22, 2008 For: CONVEYORS	**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 May 23, 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 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 the latest Office action 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).

In light of the renewed petition, which included a clear explanation of the relationship between the United Kingdom application that contained the patentable claims and the United Kingdom priority application being claimed in the above U.S. application, and an amendment that makes the claims of the US application substantially identical to the United Kingdom application, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 12/21/08

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Kirsten R. Rydstrom
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In re Application of:	:	
Damian McCue	:	DECISION
Application No.: 12/280,459	:	
PCT Application No.: PCT/AU07/00166	:	ON PETITION
Int. Filing Date: 15 February 2007	:	
Priority Date: 15 February 2006	:	UNDER
Atty Docket No.: 08-149-US	:	
For: COMPOSITE POLE	:	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 22 August 2008 is **GRANTED**.

BACKGROUND

On 15 February 2007, applicant filed international application PCT/AU07/00166. The international application claims a priority date of 15 February 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 15 August 2008. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 15 August 2008.

On 22 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), an information disclosure statement, a preliminary amendment, 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 15 February 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
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In re Application of	:	
HELLER et al.	:	
Application No.: 12/280,463	:	
PCT No.: PCT/US07/62730	:	DECISION ON PETITION
International Filing Date: 23 February 2007	:	
Priority Date: 23 February 2006	:	UNDER
Attorney Docket No.: 05063-1-010111	:	
For: METHODS OF TREATING INFLUENZA	:	37 CFR 1.182
VIRAL INFECTIONS	:	

This is a decision on applicant's "Petition under 37 CFR 1.182" filed in the United States Patent and Trademark Office on 05 September 2008.

On 22 August 2008, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 12/280,463. However the international application PCT/US07/62737 as indicated on the Electronic Acknowledgement Receipt differs from the PCT application number PCT/US07/62730 on the application data sheet and declaration.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to **PCT/US07/62730** on the national stage papers filed on 22 August 2008 is **GRANTED**. The $400 petition fee will be charged to applicant's deposit account per his authorization.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision including removal of all papers directed to PCT/US07/62737. The USPTO records will identify the present application 12/280,463 as the national stage of PCT/**US07/62730**.

Cynthia M. Kratz

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17 JUL 2009

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In re Application of VOGEL *et al* U.S. Application No.: 12/280,495 PCT No.: PCT/US2006/043725 Int. Filing Date: 08 November 2006 Priority Date: 24 February 2006 Docket No.: 078398-0104 For: INTERNET GUIDE LINK MATCHING SYSTEM	:	**DECISION**

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 21 May 2009.

BACKGROUND

On 24 October 2008, the Office 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) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b), additional claim fees and a surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 21 May 2009, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by one of the two named inventors on behalf of the nonsigning inventor; additional claim fees; a $65.00 surcharge fee; a $200.00 petition fee; a five-month extension of time and fee; and documentary evidence in support of the petition (exhibits A - J).

DISCUSSION

Applicants claim that co-inventor Robert B. Vogel refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Applicants submitted the $200.00 petition fee. The last known address of the nonsigning inventor was provided. An executed declaration meeting the requirements of section 409.03(a) of the MPEP and 37 CFR 1.497(a) and (b) was provided. Items (1), (3) and (4) of 37 CFR 1.47(a) are complete.

Regarding item (2) of 37 CFR 1.47(a), applicants included documentary evidence showing that a complete copy of the subject application was sent by email to the nonsigning inventor along with a declaration and request for signature on 29 January 2009. The 37 CFR 1.47(a) applicants included evidence showing that the email was received by Mr. Vogel. Ms. Bell attests that she received a telephone call from the nonsigning inventor on 11 February 2009. During this conversation, Mr. Vogel confirmed receipt of the email communication mailed 29 January 2009. Ms. Bell also states that Mr. Vogel expressed an unwillingness to cooperate in the subject application due to discord among the individuals in the company. The 37 CFR 1.47(a) applicants sent another letter to Mr. Vogel on 17 March 2009 requesting that he cooperate before the subject application became abandoned, but have not received a further response.

This evidence is sufficient to show that the actions of Mr. Vogel constitute a refusal to join as contemplated by section 409.03(d)(II) of the MPEP. Item (2) of 37 CFR 1.47(a) is satisfied.

Accordingly, all the requirements of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 08 November 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 21 May 2009.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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17 JUL 2009

Robert B. Vogel
915 Hyacinth Drive
Delray Beach, FL 33483

In re Application of
VOGEL *et al*
U.S. Application No.: 12/280,495
PCT No.: PCT/US2006/043725
Int. Filing Date: 08 November 2006
Priority Date: 24 February 2006
Docket No.: 078398-0104
For: INTERNET GUIDE LINK MATCHING SYSTEM

Mr. Vogel:

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.

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